LAWS

PASSED AT

THE TWENTY-NINTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITOL OF SAID STATE, ON TUESDAY, JANUARY SECOND, 1945, AND CONCLUDING FRIDAY, MARCH SECOND, 1945

2

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Authentication

STATE OF NORTH DAKOTA

Department of State, Bismarck

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the twenty-ninth Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 2, 1945, and terminating Friday, March 2, 1945, now on file in this office, with the exception of clerical errors.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this first day of July, 1945.

[SEAL]

THOMAS HALL
Secretary of State

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THE LAWS

GENERAL PROVISIONS

CHAPTER 36

S. B. No. 165
Introduced by Senator Thatcher

ARBOR DAY

An Act Establishing the first Friday in May of each year as Arbor Day for the State of North Dakota, and declaring an emergency.

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

§ 1. In order to promote and encourage the planting of trees in this state, the first Friday in May of each year is hereby designated and established as "Arbor Day" for the state of North Dakota.

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

Approved February 28, 1945.

CHAPTER 37

H. B. No. 200
Introduced by Representatives Stormon and Wambheim

LEGAL HOLIDAYS

An Act Amending and reenacting Section 1-0301 of the North Dakota Revised Code of 1943 relating to holidays.

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

§ 1. That Section 1-0301 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

1-0301. HOLIDAYS.] Holidays are as follows:

1. Every Sunday;

2. The first day of January, which is New Year's day.

3. The twelfth day of February, which is the birthday of Abraham Lincoln;

4. The twenty-second day of February, which is the birthday of George Washington;

5. The fourth day of July, which is the anniversary of the Declaration of Independence;

6. The twenty-fifth of December, which is Christmas Day;

7. The thirtieth day of May, which is Memorial Day;

8. The first Monday in September, which is Labor Day;

9. The twelfth day of October, which is Discovery Day to commemorate the discovery of America by Lief Erickson about the year 1000 A. D., and by Christopher Columbus in the year 1492 A. D.;

10. The eleventh day of November, which is Armistice Day;

11. The last Thursday in November, which is Thanksgiving Day;

12. The Friday next preceding Easter Sunday and commonly known as Good Friday;

13. Every day on which an election is held throughout the state; and

14. Every day appointed by the president of the United States or by the governor of this state for a public fast, Thanksgiving, or holiday.

Nothing in this section shall be construed to prevent the holding of legislative sessions or the taking of final action on any legislative matter upon any of such holidays other than Sunday. Any action heretofore taken upon any legislative matter upon any such holiday shall be valid and legal for all purposes.

Approved February 28, 1945.

AERONAUTICS

CHAPTER 38

S. B. No. 173
Introduced by Committee on State Affairs

AERONAUTICS DIVISION PUBLIC SERVICE COMMISSION

An Act Creating an aeronautics division in the Public Service Commission for the promotion and development of aviation, air commerce, and the establishment of an adequate system of airways and airports within this state; providing for the appointment by the Governor of a committee of aeronautics consisting of five members, one of whom shall be a member of the Public Service Commission; declaring the public policy; prescribing powers and duties of aeronautics committee; authorizing cooperation with the federal agencies and municipalities; providing for federal aid; conferring power to receive and disburse federal aid and other funds; providing for organization of committee, meetings, reports, and compensation; authorizing appointment of director of aeronautics; making an appropriation; and declaring an emergency.

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

§ 1. DECLARATION OF POLICY.] It is hereby declared to be the public policy of this state that the promotion and development of aeronautics, air commerce and a state system of airways and airports is affected with a public interest; that the committee of aeronautics created by this act in the exercise of its powers and performance of its duties shall be considered to be the state acting in a governmental capacity in the performance of a governmental function.

§ 2. DIVISION OF AERONAUTICS.] There is hereby created a division of aeronautics within the Public Service Commission; that the powers, duties and functions of said division of aeronautics shall be administered by a committee of aeronautics consisting of five members who shall be appointed by the Governor, not more than one of whom shall always be a member of the Public Service Commission. Each appointed member shall be a qualified elector of the state, and shall be so located as to residence that each of four sections of the state (the southwest, northwest, northeast, and southeast) shall have equal representation on such committee. The governor shall appoint one member for two years; two members for four years, and two members for six years; their term shall end July first in each of the years 1947, 1949 and 1951, inclusive. Thereafter, each member shall be appointed and serve for a term of six years. Each member so appointed shall be subject to removal by the governor for cause, and in the case of death, resignation or removal of such appointed

member, the vacancy created thereby shall be filled by the appointive power and each member so appointed shall serve for the unexpired term. Before entering upon the discharge of his official duties each appointed member shall take, subscribe and file with the secretary of state his oath, as prescribed by the Constitution, for the discharge of his duties as a member of said committee.

§ 3. POWERS AND DUTIES OF COMMITTEE OF AERONAUTICS.] The committee of aeronautics shall have, and is hereby vested, with full and complete power, authority and supervision over the promotion and development of aeronautics, air commerce, and a state system of airways and airports:

1. To designate, design and plan a state airway and airport system which will best serve the interests of the state;

2. To coordinate such state airway and airport system in aid of and to supplement air commerce with the federal, or interstate air services;

3. To encourage the use of all types of air navigation facilities within the state;

4. To provide and furnish all expert, engineering, legal or other technical services, without charge, to municipalities in need thereof while engaged in the planning, construction, or operation of airports;

5. To represent the state in aeronautical matters before state and federal agencies;

6. To institute or participate in investigations and hearings pertaining to the promotion and development of aeronautics, air commerce, and the establishment of a system of airways and airports in this state;

7. To assist in the enforcement of all laws of this state relating to aeronautics and air commerce, and all rules and regulations made in pursuance thereof;

8. To cooperate with federal agencies and all municipalities of this state engaged in the promotion and development of aeronautics and air commerce;

9. To assemble, use and furnish all available data, records and services that may be necessary to carry out the purposes of this act;

10. To make reports of all of its investigations and hearings to the governor, and to make such reports and other data available to the appropriate federal and state agencies;

11. To employ a director of aeronautics; to prescribe his powers and duties, and to fix his salary; and

12. To employ such other experts, clerical and stenographic help as the committee may determine necessary to administer the provisions of this act.

§ 4. Cooperation With Federal Agencies and Municipalities.] The committee of aeronautics shall cooperate with and assist the federal government and all agencies of the state including municipalities of this state engaged in the promotion and development of aeronautics, air commerce and the establishment and maintenance of airways and airports in this state, to assure the sound development of aeronautics and the establishment and maintenance of an adequate system of state airways and airports in this state, to furnish reasonably adequate air commerce for the transportation of persons and property for hire. The committee, for said purpose, shall avail itself of all records, facilities and services of such federal agencies as it may determine useful and necessary, and shall, in turn, reciprocate by furnishing to the federal agencies such data and assistance as it may determine necessary to carry out the purposes of this act.

§ 5. Federal or Private Aid.] The committee of aeronautics shall have authority to accept, receive and receipt for all federal moneys allocated to this state for the promotion and development of aeronautics, air commerce and the establishment and maintenance of an adequate system of airways and airports in this state. Said committee may, authorized by any municipality, act as its agent in receiving and receipting for and in its behalf of any moneys allocated or contributed for any of the purposes authorized by this act. Said committee may also receive either public or private contributions made for the purpose of promoting and developing aeronautics, air commerce and the establishment and maintenance of an adequate system of airways and airports in this state.

§ 6. Disposition of Federal and Other Funds.] All moneys received from the federal government or any agency thereof, and from other public agencies or private persons, association, or corportions, shall be credited to a special fund and shall be disbursed only for the purposes for which such moneys may be allocated or contributed to said committee, and that all moneys credited to such fund and held in trust for the purpose for which such aid is granted shall be disbursed only after all claims and demands upon such funds shall have been duly audited and approved by the committee, and shall thereupon be disbursed in the manner prescribed by rules and regulations.

§ 7. Organization Meetings; Reports.] The committee shall meet, within a reasonable time after its appointment, to organize, adopt a seal, and make and amend such rules and regulations as it may deem expedient to carry out the provisions of this act. At such organization meeting it shall elect from its membership a chairman, a vice-chairman, and a secretary. All meetings shall be held in its

offices in the Capitol, except that the committee may hold special meetings at such times and places, and upon such notice as it may, by resolution, provide. Notices of regular and special meetings may be given by telegram, or by writing, at least three days prior to the date of meeting. A majority of the members shall constitute a quorum, and no action shall be taken by less than a majority except for adjournment. The chairman, or in his absence or disability, the vice-chairman of the committee, may issue a call for any general or special meetings. The committee shall make at least an annual report to the governor on or before the first day of July of each year. Said report shall contain a summary of its proceedings during the preceding fiscal year, and an itemized statement of all moneys received and expended by the committee, or in behalf of any municipality, or agency of the federal government, *provided however,* that the committee shall, upon request by the governor, make such additional reports to him as he may require.

§ 8. COMPENSATION AND EXPENSES OF COMMITTEE.] Each member of said committee, except the member appointed from the Public Service Commission, shall receive, as compensation for his services, the sum of Eight Dollars ($8.00) per day for each day actually engaged in the performance of the duties of his office, including time for travel between his home and the place at which he performs such duties, together with actual traveling and maintenance while away from his home in the performance of his official duties, *provided however,* that the member of the Public Service Commission shall only receive actual traveling and maintenance expenses while attending special meetings held at places other than the Capitol.

§ 9. DIRECTOR OF AERONAUTICS.] The committee shall appoint a director of aeronautics who shall serve at its pleasure. He shall be appointed with due regard to his fitness by reason of his aeronautical education and practical experience. He shall devote his entire time to the duties of his office and shall not be actively engaged in any other business or employment; nor shall he have any pecuniary interest in any civil aeronautics enterprise. He shall receive such compensation as the committee may fix and determine, and shall be reimbursed for all traveling and maintenance expenses in the performance of his official duties, *provided however,* that such salary and expenses so authorized by said committee shall not exceed the amount appropriated for said purposes. The director of aeronautics shall exercise such powers and perform such duties as the committee of aeronautics may confer or impose upon him. He shall be in charge of the office of the committee and be responsible for the preparation of reports, the collection and dissemination of factual data pertaining to the promotion and development of aeronautics, air commerce and the establishment of an adequate system of airways and airports in this state. The director shall, before entering upon the performance

of his official duties, be bonded with the State Bonding Fund in the penal sum of $10,000.00 conditioned upon the faithful performance of his official duties. The amount of the premium for such bond shall be paid out of funds appropriated therefor. The director shall maintain his office in the Capitol at Bismarck, and all of his acts shall be subject to the supervision and control of the committee of aeronautics.

§ 10. VIOLATIONS AND PENALTIES.] Any person who shall fail to comply with the requirements of or violates any provisions of this act, or rules and regulations made by the aeronautics committee pursuant to the provisions of this act, shall be guilty of a misdemeanor and punishable by a fine of not more than Five Hundred Dollars ($500.00), or suffer imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

§ 11. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Twenty-five Thousand Dollars, ($25,000.00) or so much thereof as may be necessary for the purpose of carrying out the provisions of this act.

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

Approved March 12, 1945.

CHAPTER 39

S. B. No. 55
Introduced by Senators Rue, Nordhougen, Raschko, Schrock, Brunsdale and Flatt

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AIRPORT FUNDS, POLITICAL SUBDIVISIONS

An Act Authorizing counties, cities, villages, park districts and townships to accept federal and other monies for airports and other air navigation facilities and sites therefor; to designate the state aeronautics committee of North Dakota as its agent in connection therewith; to enter into contracts in connection therewith; and declaring an emergency.

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

§ 1. AUTHORIZATION TO ACCEPT FEDERAL OR OTHER MONIES.] Any county, city, village, park district, or township is authorized to accept, receive, and receipt for federal monies, and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports and

other air navigation facilities, and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal monies upon such airports and other air navigation facilities.

§ 2. DESIGNATION OF AERONAUTICS COMMITTEE AS AGENT.] The governing body of any political subdivision referred to in section one (1) hereof, is authorized to designate the state aeronautics committee of the state as its agent to accept, receive, and receipt for federal monies in its behalf for airport purposes and to contract for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of such airports, or other air navigation facilities, and may enter into an agreement with such aeronautics committee prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and applicable laws of this state. Such monies as are paid over by the United States government shall be paid over to said municipality under such terms and conditions as may be imposed by the United States government in making such grant.

§ 3. CONTRACTS.] All contracts for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports or other air navigation facilities, made by any of the political subdivisions referred to, by itself or through the agency of the aeronautics committee of the state, shall be made pursuant to the laws of this state governing the making of like contracts; provided, however, that where such acquisition, construction, improvement, enlargement, maintenance, equipment or operation is financed wholly or partly with federal monies the municipality, or the aeronautics committtee as its agent, may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other state law to the contrary.

§ 4. EMERGENCY.] This Act is hereby declared an emergency act and shall be in full force and effect from and after its approval.

Approved March 9, 1945.

CHAPTER 40

S. B. No. 56
Introduced by Senators Rue, Nordhougen, Raschko, Schrock, Brunsdale and Flatt.

AUTHORIZING POLITICAL SUBDIVISIONS PROVIDE AND REGULATE AIRPORTS

An Act To empower counties, cities, villages, park districts and townships to promulgate, administer, and enforce airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of airports, and to acquire, by purchase, grant, or condemnation, air rights and other interests in land; to provide penalties and remedies for violations of this Act or any ordinance or regulation made under the authority conferred herein; and declaring an emergency.

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

§ 1. DEFINITIONS.] As used in this Act, unless the context otherwise requires:

(1) "Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

(2) "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at any airport or is otherwise hazardous to such landing or taking-off of aircraft.

(3) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Act.

(4) "Political sub-division" means any county, city, village, park district, or township.

(5) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, the State of North Daktoa or any political sub-division thereof, and includes any trustee, receiver, assignee, or other similar representative thereof.

(6) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(7) "Tree" means any object of natural growth.

§ 2. AIRPORT HAZARDS CONTRARY TO PUBLIC INTEREST.] It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and

also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared: (a) that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (b) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and (c) that this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which political sub-divisions may raise and expend public funds and acquire land or property interests therein.

§ 3. Power to Adopt Airport Zoning Regulations.] (1) In order to prevent the creation or establishment of airport hazards, every political sub-division having an airport hazard area within its territorial limits may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(2) Where an airport is owned or controlled by a political sub-division and any airport hazard area appertaining to such airport is located outside the territorial limits of said political sub-division, the political sub-division owning or controlling the airport and the political sub-division within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subsection (1) in the political sub-division within which such area is located. Each such joint board shall have as members two representatives appointed by each political sub-division participating in its creation and in addition a chairman elected by a majority of the members so appointed.

(3) If in the judgment of a political sub-division owning or controlling an airport, the political sub-division within which is located an airport hazard area appertaining to that airport, has failed to adopt or enforce reasonably adequate airport zoning regulations for such area under subsection (1) and if that political sub-division has refused to join in creating a joint airport zoning board as authorized in subsection (2), the political sub-division owning or controlling the airport may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of

conflict between such regulations and any airport zoning regulations adopted by the political sub-division within which the airport hazard area is located the regulations of the political sub-division owning or controlling the airport shall govern and prevail.

§ 4. Relation to Comprehensive Zoning Regulations.]

(1) Incorporation.] In the event that a political sub-division has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof, may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith.

(2) Conflict.] In the event of conflict between any airport zoning regulations adopted under this Act and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the political sub-division which adopted the airport zoning regulations or by some other political sub-division, the more stringent limitation or requirement shall govern and prevail.

§ 5. Procedure for Adoption of Zoning Regulations.]

(1) Notice and Hearing.] No airport zoning regulations shall be adopted, amended, or changed under this Act except by action of the legislative body of the political sub-division in question, or the joint board provided for in Section 3 (2), after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political sub-division or sub-divisions in which is located the airport hazard area to be zoned.

(2) Airport Zoning Commission.] Prior to the initial zoning of any airport hazard area under this Act, the political sub-division or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be estatblished and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political sub-division or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of such commission. Where a city plan commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

§ 6. Airport Zoning Requirements.] (1) Reasonableness.] All airport zoning regulations adopted under this Act shall

be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this Act. In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

(2) NON-CONFORMING USES.] No airport zoning regulations adopted under this Act shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in Section 7 (3).

§ 7. PERMITS AND VARIANCES.] (1) PERMITS.] Any airport zoning regulations adopted under this Act may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or repaired. In any event, however, all such regulations shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

(2) VARIANCES.] Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this Act, may apply to the Board of Adjustment for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Act; provided, that any variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this Act.

(3) HAZARD MARKING AND LIGHTING.] In granting any permit or variance under this section, the administrative agency or

Board of Adjustment may, if it deems such action advisable to effectuate the purpose of this Act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political sub-division, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

§ 8. APPEALS.] (1) Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in its administration of airport zoning regulations adopted under this Act, or any governing body of a political sub-division, or any joint airport zoning board, which is of the opinion that a decision of such administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the Board of Adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

(2) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers con tituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the Board on notice to the agency from which the appeal is taken and on due cause shown.

(4) The board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The board may in conformity with the provisions of this Act, reverse or affirm wholly or partly, or modify, the order, requirement, decision, of determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

§ 9. ADMINISTRATION OF AIRPORT ZONING REGULATIONS.] All airport zoning regulations adopted under this Act shall provide for the administration and enforcement of such regulations by an administrative agency which may be an agency created by such regulations or any official, board, or other existing agency of the political sub-

division adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision, but in no case shall such administrative agency be or include any member of the Board of Adjustment. The duties of any administrative agency designated pursuant to this Act shall include that of hearing and deciding all permits under Section 7 (1), but such agency shall not have or exercise any of the powers herein delegated to the Board of Adjustment.

§ 10. BOARD OF ADJUSTMENT.] (1) All airport zoning regulations adopted under this Act shall provide for a Board of Adjustment to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in Section 8.

(b) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations.

(c) To hear and decide specific variances under Section 7 (2).

(2) Where a zoning board of appeals or adjustment already exists, it may be appointed as the Board of Adjustment. Otherwise, the Board of Adjustment shall consist of five (5) members, each to be appointed for a term of three (3) years by the authority adopting the regulations and to be removable by the appointing authority for cause, upon written charges and after public hearing.

(3) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.

(4) The board shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

§ 11. JUDICIAL REVIEW.] (1) Any person, aggrieved, or

taxpayer affected, by any decision of a Board of Adjustment, or any governing body of a political sub-division or any joint airport zoning board which is of the opinion that a decision of a Board of Adjustment is illegal, may present to the district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within fifteen (15) days after the decision is filed in the office of the board.

(2) Upon presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the board. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(3) The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the Board of Adjustment. The findings of fact of the board, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a decision of the board shall be considered by the court unless such objection shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

(5) Costs shall not be allowed against the Board of Adjustment unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

(6) In any case in which airport zoning regulations adopted under this Act, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this state or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

§ 12. ENFORCEMENT AND REMEDIES.] Each violation of this Act or of any regulations, orders, or rulings promulgated or made pursuant to this Act, shall constitute a misdemeanor and shall be punishable by a fine of not more than five hundred dollars ($500.00)

or imprisonment for not more than ninety (90) days or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense. In addition, the political sub-division or agency adopting zoning regulations under this Act may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this Act, or of airport zoning regulations adopted under this Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Act and of the regulations adopted and orders and rulings made pursuant thereto.

§ 13. ACQUISITION OF AIR RIGHTS.] In any case in which: (1) it is desired to remove, lower, or otherwise terminate a non-conforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political sub-division within which the property or non-conforming use is located or the political sub-division owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by the law under which political sub-divisions are authorized to acquire real property for public purposes, such air right, navigation easement, or other estate or interest in the property or non-conforming structture or use in question as may be necessary to effectuate the purposes of this Act.

§ 14. SEVERABILITY.] If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the provisions or applications of the 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.

§ 15. SHORT TITLE.] This Act shall be known and may be cited as the "Airport Zoning Act."

§ 16. REPEAL.] All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

§ 17. EMERGENCY.] This Act is hereby declared an emergency Act and shall be in full force and effect from and after its approval.

Approved March 9, 1945.

AGRICULTURE

CHAPTER 41

S. B. No. 210
Introduced by Senators Young, Work and Peterson

AGRICULTURAL EXPERIMENT STATIONS RE-ESTABLISHED

An Act Re-establishing sub-experiment stations under the jurisdiction of the Director of the Agricultural Experiment Station of the North Dakota Agricultural College at or near Edgeley in LaMoure County, Hettinger in Adams County and Langdon in Cavalier County, and validating any expenses incurred in operating such stations since the adoption of the North Dakota Revised Code of 1943; declaring an emergency.

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

§ 1. There is hereby re-established the following named sub-experiment stations of the North Dakota Agricultural College under the jurisdiction of the Director of the Agricultural Experiment Station: One at or near Edgeley in the county of LaMoure; one at or near Hettinger in the county of Adams and one at or near Langdon in the county of Cavalier.

§ 2. All of the expenditures incurred and paid in connection with the operation of the said sub-experiment stations enumerated herein since the adoption of the North Dakota Revised Code of 1943 are hereby in all things validated and approved.

§ 3. EMERGENCY.] The statutes establishing the sub-experiment stations herein enumerated having been inadvertently omitted from the North Dakota Revised Code of 1943, this act is hereby declared an emergency act and shall be in full force and effect from and after its passage and approval.

Approved March 12, 1945.

CHAPTER 42

H. B. No. 76
Introduced by Representatives Levin, Halvorson, Maher and Saumur

ANNEXATION OF TERRITORY, SOIL CONSERVATION DISTRICTS

An Act To amend and re-enact Section 4-2214 of the North Dakota Revised Code of 1943 relating to inclusion of additional territory and annexation of territory to other existing soil conservation districts.

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

§ 1. AMENDMENT.] That Section 4-2214 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

4-2214. PETITION TO INCLUDE ADDITIONAL TERRITORY WITHIN EXISTING DISTRICT.] Petitions to include additional territory within an existing district may be filed with the committee at any time, and the proceedings provided in connection with a petition to organize a district shall be observed in the case of a petition for such inclusion. Provided, however, that a portion of a district may upon petition of sixty per cent of the land occupiers in such portion, and without an election, be annexed to an adjoining district, and become a part of same upon filing such petition with the state soil conservation committee.

Approved February 13, 1945.

CHAPTER 43

H. B. No. 139
Introduced by Committee on Approprations

BEEKEEPERS' LICENSE FEES; WHERE DEPOSITED

An Act To amend and re-enact Section 4-1205 of the North Dakota Revised Code of 1943, relating to Beekeeper's License Fees and transferring balance to General Fund.

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

§ 1. AMENDMENT.] That Section 4-1205 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

4-1205. COLLECTION OF BEEKEEPER'S LICENSE FEES; WHERE

DEPOSITED.] All fees collected by the commissioner of agriculture and labor for the issuance of license certificates shall be paid to the state treasurer and shall be deposited by him to the credit of the General Fund of the state.

§ 2. Any moneys now in the bee fund are hereby transferred to the State General Fund, after all bills charged to the bee fund prior to July 1, 1945, are paid.

Approved March 13, 1945.

CHAPTER 44

H. B. No. 203
Introduced by Representatives Schmalenberger, Schnell and Sticka.

DICKINSON AGRICULTURAL EXPERIMENT STATION; ADDITION

An Act Creating and establishing an addition to the Agricultural Experiment station at Dickinson, North Dakota and providing for the purchase of 632 acres, more or less, of Section 5, Township 139, Range 96 in Stark County, North Dakota or other suitable and adequate acreage selected by the State Board of Higher Education and providing for the use and management thereof; and making an appropriation therefor and declaring an Emergency.

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

§ 1. There is hereby created and established an addition to the Dickinson Agricultural Experiment Station located on Section 5, Township 139, Range 96, Stark County, North Dakota or other suitable and adequate acreage selected by the State Board of Higher Education under the supervision and control of the North Dakota Agricultural College at Fargo and under the supervision and direction of the Agricultural Experiment Station Director of said North Dakota Agricultural College.

§ 2. JURISDICTION.] The said enlarged Agricultural Experiment Station shall be under the judisdiction of the State Board of Higher Education.

§ 3. FUNCTIONS.] The Agricultural Experiment Station, when enlarged as provided for in this Act, shall make experiments with livestock breeding, nutrition, management and diseases and shall conduct such other agricultural research as may further contribute to the benefit of the agricultural and livestock production of western North Dakota and the State of North Dakota in addition to the experiments now conducted under the provisions of Section 4-0503 of the North Dakota Revised Code of 1943.

§ 4. OFFICIAL IN CHARGE.] The superintendent of the present Dickinson Branch Station will have administrative power over the additional activities of the station and shall make an annual report to the Director of the North Dakota Agricultural Experiment Station on or before January 1st of each year, said report to be in such form as said Director may prescribe. The annual report of the official in charge shall be transmitted to the Governor by the Director of the North Dakota Agricultural Experiment Station on or before February 1st of each year.

§ 5. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of eighty thousand dollars and no/100 ($80,000.00) and such income as may be derived from the agricultural operations of said Agricultural Experiment Station for the purchase of 632 acres, more or less, of Section 5, Township 139, Range 96 in Stark County, North Dakota or other suitable and adequate acreage selected by the State Board of Higher Education together with the improvements situated thereon and for the maintenance and support of said Station from the date of its establishment to June 30, 1945, and throughout the biennium beginning July 1, 1945, and ending June 30, 1947.

§ 6. 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 14, 1945.

CHAPTER 45

H. B. No. 77
Introduced by Representatives Levin, Halvorson, Maher, and Saumur

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ELECTIONS IN SOIL CONSERVATION DISTRICTS

An Act Amending and re-enacting Section 4-2221 of the North Dakota Revised Code of 1943 relating to time of elections in soil conservation districts and appointment of election officers.

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

§ 1. AMENDMENT.] That Section 4-2221 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

4-2221 GENERAL ELECTION OF DISTRICTS; WHEN HELD; REGULATIONS GOVERNING.] The general election of soil conservation districts shall be held at the same time as the regular annual township meetings in this state. The judges and election officers at such town-

ship meetings shall be the election officers of the soil conservation district elections, provided that in unorganized territory, the district supervisors shall designate the polling places and appoint the election officers. The notice of such election and the conduct thereof shall be the same as provided herein for the first district election except that the supervisors of the district shall give the notice of election. The returns of all electors shall be submitted to the committee in the same manner as the returns of the first election, and the committee shall canvass and verify such returns and issue certificates of election.

Approved February 13, 1945.

CHAPTER 46

S. B. No. 146
Introduced by Senator Nelson of McKenzie

GRADE INSPECTION, FEES AND CHARGES

An Act To amend and re-enact Section 4-1013 of the North Dakota Revised Code of 1943 relative to fees for making grade inspections.

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

§ 1. AMENDMENT.] That Section 4-1013 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

§ 4-1013. GRADE INSPECTION; FEES AND CHARGES.] The Commissioner, by regulation, shall fix the fees for making grade inspections, and said fees shall be uniform throughout the state for such periods of time as shall be specified. The maximum fee per car load or truck load or any other lot unit not in excess of a standard freight car load quantity, shall not exceed $4.75 for potatoes and $5.50 for other produce. A minimum of 25c of each inspection fee for potatoes shall be covered into an advertising fund to be used by the commissioner in consultation with the growers for the purpose of advertising North Dakota seed and table stock potatoes in the wholesale and retail markets of the United States. Any person soliciting an inspection or inspections at points other than those at which inspectors are located, or at which itinerant inspectors may be at the time inspection is requested, may obtain inspection service on payment of the necessary traveling expenses, in addition to the regular inspection fee. The owner and the consignor or shipper of the potatoes shall be held responsible for the payment of the inspection fees when they are not paid otherwise. The Commissioner shall collect all fees and charges and shall make detailed annual reports of all receipts and expenditures to the Board of Administration, which shall publish the same for distribution to interested parties.

Approved March 13, 1945.

CHAPTER 47

H. B. No. 248
Introduced by Representatives Dalzell, Levin and Collette

LABELING POTATOES IN CLOSED CONTAINERS

An Act To amend and re-enact Section 4-1005 of the North Dakota Revised Code of 1943 relative to labeling, branding or tagging potatoes being transported or offered for sale or consignment.

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

§ 1. AMENDMENT.] That Section 4-1005 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

4-1005. LABELING, BRANDING, TAGGING POTATOES IN CLOSED CONTAINERS.] Every closed container packed wtih potatoes grown in North Dakota, being transported, or offered for sale or consignment shall bear upon the outside thereof, either by brand, tag or label, in plain letters and figures, the net weight when packed and correct grade designation, or, in lieu thereof, each container shall be labeled to show the net weight when packed and official North Dakota inspection shall be obtained and the lot must not be mislabeled.

When an individual shipment is made from such towns or stations at which regular inspection service is not maintained, and when such shipments cannot be so routed as to be stopped in transit for inspection at a town or station at which inspection service can be provided, or when due to unforeseen circumstances which make it physically impossible for an inspector to perform such inspection, or when definite or sufficient evidence followed by proof if demanded is presented to establish the fact that the shipment will be repossessed [reprocessed] and when inspection service is available officially inspected in transit, then the commissioner, or his agent, may waive, by a special written permit, the inspection and labeling requirements provided in this section for such individual shipment.

The Commissioner shall, by regulation, prescribe the general location of the labeling on the container and the minimum and maximum size of the letters and figures used in the labeling of the potatoes as herein provided.

Provided, however, the Commissioner may after receiving a request from at least fifty (50) potato growers call a public hearing of potato growers and if two-thirds (2-3) of the growers represented at such meeting approve he may promulgate and establish rules and regulations governing the use of labels, marks and brands that may be used upon closed containers packed with potatoes grown in North Dakota, being transported or offered for sale or consignment, and governing the establishment and use of State Brands.

For the purpose of this act a potato grower shall be defined as any person who produces more than three acres of potatoes.

If any grower registers as such at the State Seed Department office, he shall be entitled, during that calendar year, to written notice of any public hearing for potato growers, called by the Commission.

Any rules and regulations, promulgated and established as a result of such hearing may be rescinded by regulation if such regulation is approved by a majority of potato growers present at a subsequent public hearing called by the Commission for that purpose.

Approved February 28, 1945.

CHAPTER 48

H. B. No. 66
Introduced by Representatives Haugland, Hovey, Smart, Benno and Mortenson

MINOT EXPERIMENT STATION

An Act Creating and establishing an Agricultural Experiment Station and State Seed Farm at or near Minot in Ward County under the supervision and control of the North Dakota Agricultural College at Fargo; providing for a Board of Visitors and the appointment thereof; making an Appropriation therefor and declaring an Emergency.

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

§ 1. There is hereby created and established an Agricultural Experiment Station and State Seed Farm to be located at or near Minot in Ward County under the supervision and control of the North Dakota Agricultural College at Fargo and under the supervision and direction of the Agricultural Experiment Station Director of said North Dakota Agricultural College; provided that such station shall not be established until a suitable tract of land containing not less than four hundred and eighty acres shall have been donated to the State of North Dakota for such purpose by a proper deed of warranty.

§ 2. NAME.] The said Agricultural Experiment Station and State Seed Farm shall be known and referred to as the North Central Agricultural Experiment Station.

§ 3. JURISDICTION.] The said Agricultural Experiment Station and State Seed Farm shall be under the jurisdiction of the State Board of Higher Education.

§ 4. FUNCTIONS.] The North Central Agricultural Experiment Station when established as provided by this Act shall make experiments with grains and grasses, native and other forage plants, including corn, sunflowers, sorghums, and millets, garden and orchard crops, shelter belt and ornamental trees and shrubs, livestock and

poultry, and shall become a center for the increase and dissemination of purebred seeds, poultry, and livestock, and shall conduct such other agricultural research as may further inure to the benefit of the agriculture of North Central North Dakota and the State of North Dakota.

§ 5. OFFICIAL IN CHARGE.] It shall be the duty of the official in charge of the North Central Experiment Station to make an annual report to the Director of the North Dakota Agricultural Experiment Station on or before January 1 of each year, said report to be in such form as said Director may prescribe. The annual report of the official in charge shall be transmitted to the Governor by the Director of the North Dakota Agricultural Experiment Station on or before February 1 of each year.

§ 6. BOARD OF VISITORS.] It shall be the duty of the Boards of County Commissioners of Renville, Bottineau, Rolette, Benson, Ward, McHenry, Pierce, McLean, Mountrail, Sheridan, Burke, and Wells counties to name two farmers operating farms in their respective counties to serve as a Board of Visitors to said North Central Agricultural Experiment Station. The members of the Board of Visitors shall serve for three years and shall not be eligible for reappointment until after a lapse of three years following each term of office. Vacancies occurring on such Board shall be filled by the County Commissioners of the county where such vacancy occurs. It shall be the duty of said Board of Visitors to make an annual inspection of said North Central Agricultural Experiment Station upon call of the Director of the North Dakota Agricultural Experiment Station. At least one of the inspections in a biennium shall be in the growing season. The Board of Visitors shall be entitled to a fee of five dollars ($5.00) for each visit, plus mileage at five cents (5c) per mile for every mile actually travelled to and from said farm. It shall be the duty of the Board of Visitors to inspect the work of the North Central Agricultural Experiment Station and to counsel and advise with the officials in charge. The Board of Visitors shall name one of its members to serve as chairman and another to serve as secretary, and they shall make a written report to the Director of the North Dakota Agricultural Experiment Station.

§ 7. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of $40,000.00 and such income as may be derived from the agricultural operations of said North Central Agricultural Experiment Station for the maintenance and support of said Station from the date of its establishment to June 30, 1945, and throughout the biennium beginning July 1, 1945, and ending June 30, 1947.

§ 8. 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 2, 1945.

ALCOHOLIC BEVERAGES

CHAPTER 49

S. B. No. 131
Introduced by Committee on Temperance

ALCOHOLIC BEVERAGES, HOURS OF SALE

An Act Prohibiting the Sale of Beer, Alcohol and Alcoholic Beverages Between the Hours of 1:00 o'clock A. M., and 8:00 o'clock A. M., and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

§ 1. HOURS OF SALE; PROHIBITED.] It shall be unlawful for any place licensed to retail beer, alcohol or alcoholic beverages to sell give away or permit to be consumed in any such place any beer, alcohol or alcoholic beverages between the hours of 1:00 o'clock A. M. and 8:00 o'clock A. M.

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

Approved March 12, 1945.

CHAPTER 50

S. B. No. 109
Introduced by Temperance Committee

LICENSE TO SELL ALCOHOLIC BEVERAGES

An Act Providing for the Issuance of State Licenses by the Attorney General of the State of North Dakota to Retailers of Alcohol and Alcoholic Beverages, Providing Certain Qualifications for Applicants for Retail Licenses Authorizing the Sale of Beer, Alcohol and Alcoholic Beverages, Making Unlawful the Commission of Certain Acts by Retail Licensees, and by Minors, Providing for the Suspension or Revocation of Such Licenses by the Attorney General, for the Enforcement of the Provisions Hereof Relating to the Manufacture and Sale of Beer, Alcohol and Alcoholic Beverages, Providing an Appropriation for the Costs and Expenses Incident to the Enforcement of the Provisions Hereof, Providing Penalties for Violations, 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. LICENSE.] From and after the passage, approval and effective date of this act, it shall be unlawful for any person, partnership, association of individuals or corporation to engage in the sale of alcohol or alcoholic beverages at retail unless there shall have been first procured from the Attorney General of the State of North Dakota a license so to do. Such license herein provided for shall be in addition to any license required by any municipality or political sub-division. Where an applicant desires to engage in both the sale of beer under the initiated measure adopted at a special election held on September 22, 1933, as amended, and of alcohol or alcoholic beverages under the provisions of the liquor control act, he shall obtain a license for the sale of each and pay the fee provided for each such license. Any person, partnership, association of individuals, corporation or municipal corporation engaged in the sale of alcohol or alcoholic beverages shall have 60 days after the effective date of this act within which to procure such license.

§ 2. LICENSE FEE.] License fees shall be issued on a calendar year basis. Licenses issued after March 1 in any year shall be prorated from the first of the month in which such licenses are issued. License fees shall be as follows:

Each place licensed for the exclusive off sale of alcohol and alcoholic beverages; or in rural districts, or in villages or cities of less than 500 population, Fifty Dollars ($50);

Each place licensed for the on and off sale of alcohol and alcoholic beverages; or in villages or cities having more than 500 population, One Hundred Dollars ($100).

§ 3. QUALIFICATIONS; REGULATIONS.] In addition to qualifications now prescribed by law, no license authorizing the sale at retail of beer, alcohol or alcoholic beverages shall be issued to any person, partnership, association of individuals or corporation by the Attorney General unless such applicant shall file a sworn application therefor, accompanied by the required fee, and shall show in such application that he possesses the following qualifications:

1. Applicant other than corporate must be a citizen of the United States and of the State of North Dakota and have a legal and bona fide residence in the State of North Dakota, and be a person of good moral character.

2. Applicant shall not have been convicted of a felony, or of pandering or of keeping or maintaining a house of prostitution, or have been convicted within five (5) years of the date of his application of any violation of the laws of this state or the laws of the United States relating to beer, alcohol or alcoholic beverages.

3. Applicant shall not have had revoked, within five (5) years next preceding his application any license issued to him pursuant

to the ordinances or resolutions of a city, village or board of county commissioners, to the laws of this state, or any state, to sell beer, alcohol or alcoholic beverages.

4. If applicant is a co-partnership, all members of the co-partnership must be personally qualified to obtain a license.

5. If the applicant is a private or municipal corporation, all officers and directors thereof, and any stockholder owning more than five per centum (5%) of the stock of such corporation, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for an individual licensee; provided, however, that the requirements as to being a resident and citizen of the state shall not apply to non-resident officers, directors and stockholders of such corporation, but such requirements shall apply to any officer, director, or stockholder who is also the manager of the licensed premises or who is engaged or employed at the licensed premises, in any capacity, in the conduct or operation of the licensed premises.

Any misstatement or concealment of fact in an application shall be ground for revocation of the license issued thereon.

The qualifications or other requirements, herein provided for shall not be deemed to restrict in any manner the qualifications or other requirements required by the governing body of any incorporated city or village or by the county commissioners of any county for the issuance of a license or the operation of such business.

§ 4. BAR SEPARATION. MINORS.] No licensee authorized to sell beer or alcohol and alcoholic beverages shall operate or maintain a bar on or over which beer or alcohol and alcoholic beverages are sold, furnished or distributed in any room or rooms wherein food is served at tables for consumption on the premises, excepting that any licensee who operates or maintains such a bar may operate a restaurant as a part of his licensed premises if the dining room where food is served at tables is separated by a solid wall or walls from the room or rooms containing such bar, and access between such dining room and the bar room is had by not to exceed two connecting archways, or doorways, and each such archway or doorway shall not exceed four (4) feet in width. Where a restaurant is so operated by such a licensee, his license shall cover each room and the licensee may sell and serve beer or alcohol and alcoholic beverages, as the case may be, to patrons of the restaurant. No person under 21 years of age shall be permitted in any room wherein is operated or maintained a bar on or over which beer or alcohol and alcoholic beverages are sold, furnished or distributed.

§ 5. ACTS PROHIBITED.] No holder of a license authorizing the sale at retail of beer, alcohol or alcoholic beverages, or any

servant, agent, or employee of the licensee, shall do any of the following upon the licensed premises:

1. Sell beer, alcohol or alcoholic beverages to a minor or to an incompetent person;
2. Sell beer, alcohol or alcoholic beverages to any person while such person is in an intoxicated condition;
3. Sell beer, alcohol or alcoholic beverages to an Indian as defined by Federal Law;
4. Sell or permit the consumption of beer, alcohol or alcoholic beverages upon the licensed premises on any day at any time when such sale or consumption is prohibited by law;
5. Permit on the licensed premises any disorderly conduct, breach of the peace, or any lewd, immoral or improper entertainment, conduct or practices;
6. Sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic liquors, the sale or possession of which is not authorized under his license.

The provisions of this act shall not be construed as exclusive and shall in no manner repeal or abolish any restrictions or regulations now contained in or hereafter provided by law or ordinance for the conduct and operation of such business.

§ 6. ENFORCEMENT.] The inspectors appointed by the Attorney General as authorized by law shall assist in the enforcement of the laws of this state relating to the sale of beer, alcohol or alcoholic beverages, and the other laws of this state under the jurisdiction of the Attorney General. They shall frequently visit all licensed premises and shall give particular attention to the operation and conduct of retail premises to the end that such premises shall be conducted in a lawful and orderly manner and in strict compliance with the laws relating to such business. In the performance of the duties hereby imposed upon them, such inspectors shall have all the powers and duties conferred by law upon peace officers. The Attorney General shall be empowered to grant to a licensee under this act a reasonable time within which to fully comply with separation of bar and dining room, as provided in Section 4 hereof.

§ 7. COMPLAINTS.] Any person who has information that any licensed retailer of beer, alcohol or alcoholic beverages therein has violated any of the provisions of this act or any law respecting the sale of beer or intoxicating liquor may file with the Attorney General an affidavit setting forth such violation or violations, and it is hereby made the duty of all peace officers who have information

of any such violation or violations committed by such licensee within their jurisdiction to file such an affidavit with the Attorney General. Such affidavit shall state the facts constituting the violation or violations of law charged therein with such clarity and certainty that the licensee may be reasonably apprised of the offense or offenses alleged to have been committed by him. Upon receipt of any such affidavit, it shall be the duty of the Attorney General to set the matter down for hearing at an early date. The Attorney General shall mail by registered mail to the retailer a copy of the affidavit together with a notice of the time and place of hearing thereon, which date of hearing shall not be less than ten (10) days after such copy of affidavit and notice has been mailed to the retailer.

§ 8. HEARING, PLACE OF.] The Attorney General or any competent employee of his office whom he may select may conduct any hearing herein provided for, but any employee so conducting the hearing shall report his findings and conclusions to the Attorney General for appropriate action by such Attorney General. Such shall be held at the county seat of the county in which the licensed premises are situated.

§ 9. SUSPENSION OR REVOCATION OF LICENSE.] If, after such hearing, the Attorney General finds that the violation or violations charged in the affidavit have been established by the evidence, he shall order the revocation or suspension of the license. If the Attorney General finds that the licensee has not previously violated the law in the operation of his licensed business and that no license held by him has previously been suspended or revoked and if it appears to the satisfaction of the Attorney General that there is reasonable ground to believe that the licensee will not again commit the offense or offenses charged in the affidavit and that to revoke the license would be unduly severe, then the Attorney General may, in his discretion, suspend the license for such period of time as he deems proper.

§ 10. WITNESSES.] The Attorney General or other employee of his office authorized herein to conduct any hearing shall have the power to subpoena witnesses, to compel their attendance, and to administer oaths. Such witnesses shall be allowed a fee of $4.00 per day, together with their mileage in attending such hearing at the rate of five cents per mile, such fees and expenses to be paid by the State Treasurer on voucher duly approved by the Attorney General.

§ 11. REVIEW BY THE COURT.] The action of the Attorney General in revoking or suspending a license may be appealed to the district court of the county and district in which the premises described in the license are located by procedure applicable to appeals from Justice Court except that the Attorney General's order revoking or suspending the license may be stayed by the court appealed to

upon filing with the clerk of said court a bond approved by and in the amount set by the Judge of said district court for the faithful observance of the laws of the state relative to the operation of the business licensed during the pendency of the appeal.

The revocation or suspension of a licensee's municipal or county license shall automatically revoke or suspend such licensee's state license.

§ 12. DUTY TO ENFORCE.] The Attorney General, his inspectors and all peace officers in the State of North Dakota shall be charged with the duty of diligently enforcing the provisions of this act and all other provisions of law relating to the manufacture and sale of beer, alcohol or alcoholic beverages and the failure to so diligently perform such duties shall be grounds for removal from office.

§ 13. Before selling, serving or dispensing to any person any beer, alcohol or alcoholic beverage, a licensee, his agent or employee may require a statement in writing and signed by said person of such person's age. Any person who makes a false statement as to his or her age is guilty of a misdemeanor and shall be punished by a fine of not to exceed one hundred dollars ($100.00) or by imprisonment for not to exceed thirty (30) days or by both such fine and imprisonment.

§ 14. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of $35,000 or so much thereof as may be necessary for the purpose of defraying expenses of the licensing and enforcement purposes of this act.

§ 15. The provisions of this act shall not be construed as exclusive and shall in no manner repeal or abolish any restrictions or regulations now contained in any law, resolution or ordinance for the conduct and operation of such business, enacted by the legislative assembly and the governing board of any city, village or county.

§ 16. REPEAL.] Any acts or parts of acts in conflict with any of the provisions of this act, including any provision or provisions of that initiated measure adopted at a special election held on September 22, 1933, as amended, known as the North Dakota Beer Act, and of that initiated measure adopted at the general election held on November 3, 1936, as amended, known as the Liquor Control Act, excluding, however, Chapter 5-04 of the North Dakota Revised Code of 1943 in conflict with any of the provisions of this act, are hereby expressly repealed.

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

Approved March 13, 1945.

CHAPTER 51

H. B. 197
Introduced by Representatives McInnes, Bagge, Ostgulen, Wambheim and Fuglestad

MUNICIPAL LIQUOR STORES

An Act To provide for the establishment, by local option, of Municipal Liquor Stores in duly incorporated towns, cities and villages having a population not in excess of 2000 inhabitants; and to provide for the operation and management thereof; and for the distribution of the profits accruing therefrom.

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

§ 1. Any duly incorporated city, village or town, having a population of not to exceed 2000 inhabitants, may establish, own and operate a municipal liquor store for the retail sale of alcoholic beverages, the sale of which is permitted by law.

§ 2. No such liquor store shall be established by any such municipality unless the establishment thereof has been authorized by a majority of the voters of such municipality voting on such question.

§ 3. The governing body of any such municipality, when petitioned so to do, by thirty per cent of the voters thereof determined by the total vote cast at the last preceding municipal election, shall submit to the voters of such municipality the question of establishing a municipal liquor store.

§ 4. Such proposal may be submitted at the next regular election occurring within such municipality, or it may be submitted at a special election called for that purpose and as may be determined by the governing board of such municipality.

§ 5. Such proposal shall be submitted upon a separate ballot in substantially the following form:

"Shall a Municipal Liquor Store be established by the City (Town or village) of_____ _____?

Yes, _____
No, _____"

Such election shall be conducted and the votes canvassed in the same manner as other municipal elections are conducted within such municipality.

§ 6. If a majority of the votes cast at such election shall be in favor of the establishment of a municipal liquor store, it shall be the duty of the governing board of the municipality to establish and maintain and operate such liquor store.

§ 7. The governing body of such municipality shall appoint a manager of such store and such assistants as may be necessary. It may purchase or lease a suitable building and it may purchase or lease suitable equipment, and it may purchase liquor stocks, and do all things necessary and proper for the establishment and operation of such store. That such manager may be bonded, at the discretion of the governing body of the municipality. They shall fix the compensation to be paid to the manager and other employees of the liquor store, the term of employment of all of whom shall be at the pleasure of the governing body of the municipality. Such governing body shall make all necessary and proper rules for the operation and management of such store.

§ 8. All sales of liquor made by such municipal store shall be in sealed or corked containers or packages, and no drinking of alcoholic beverages shall be permitted in or on the premises of such store. All sales shall be for cash.

§ 9. All liquor sold by any such municipal liquor store shall be subject to the payment of the same excise taxes as liquor sold by a private licensee; and all such municipal liquor stores shall be subject to the same statutory regulations regarding persons to whom intoxicating liquor may be sold, hours of sale, and other police regulations as may be applicable to a private retail liquor dealer including the provisions of the Liquor Control Act and amendments thereto.

§ 10. The manager of such municipal liquor store shall keep a running inventory of liquors kept for sale, and he shall make a financial report to the governing body of such municipality on the first day of each month, showing liquor purchased, liquors on hand, and liquors sold, and also a statement of all expenses incurred and the net profit accruing therefrom. That all such net profits shall be paid over to the treasurer of the municipality at such time or times as the governing board may direct.

§ 11. No food nor tobaccos nor anything other than alcoholic beverages shall be sold by or in such stores. There shall be no tables nor booths, and no cards, dice or other games shall be provided; and no games, dances nor amusements whatsoever shall be permitted therein. The store shall be completely shut off from all other stores, cafes, pool-halls, bowling alleys and other places of business, entertainment or amusement, with no door, door-way or other opening between.

§ 12. That on July first of each year, the governing body of such municipality shall cause to be paid over to the county treasurer of the county in which such municipality may be located, twenty-five per cent (25%) of the net profits accruing from the operation of such municipal liquor store during the preceding year, said funds to become a part of the general funds of such county.

§ 13. The terms liquor, intoxicating liquor, alcoholic beverages, and alcohol as used herein, shall mean and include any alcoholic, spirituous, vinous, fermented, malted or other liquor which contains more than four per cent (4%) of alcohol, by weight.

§ 14. Any manager or other employee of any municipal liquor store who shall sell any alcoholic beverage contrary to the provisions of this act or contrary to any other applicable law, shall be guilty of a misdemeanor; and any member of a governing body of a municipality, who shall knowingly sanction or permit the violation of law pertaining to such business, by the employees or manager of any municipal liquor store subject to the control of such governing body, shall also be guilty of a misdemeanor.

§ 15. It is the purpose and intention of this act to provide for better control of the retail sale of intoxicating liquor as herein defined, in the smaller towns, cities and villages of the state of North Dakota, and in the interest of public welfare and morals.

Approved March 14, 1945.

CHAPTER 52

H. B. No. 147
Introduced by Committee on Temperance

PROHIBITING ALCOHOLIC BEVERAGES TO MINORS

An Act Prohibiting sale or delivery of beer, alcohol and alcoholic beverages to certain persons, repealing Sections 5-0210 and 5-0318 of the North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. No person shall sell or deliver any beer, alcohol or alcoholic beverages to any person under the age of 21 years, incompetent person, Indian as defined by federal law, or a person who is an inebriate, or habitual drunkard.

§ 2. REPEAL.] Section 5-0210 and Section 5-0317 of the North Dakota Revised Code of 1943 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 14, 1945.

CHAPTER 53

H. B. No. 165
Introduced by Representatives Halcrow, Fuglestad, Sandness and Langley

PROHIBITING SUBSIDIES BY BEER OR LIQUOR DEALERS AND MANUFACTURERS

An Act Prohibiting manufacturers and wholesalers of beer or alcohol and alcoholic beverages from having any financial interest in the business of a retailer of beer or alcohol and alcoholic beverages, and prohibiting such manufacturers and wholesalers from giving financial aid or furnishing fixtures or other equipment to such retailers, providing penalties for a violation of this Act.

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

§ 1. For the purpose of this Act the following words or phrases shall have the meaning ascribed to them in this section:

"Person" shall mean every natural person, association, co-partnership, or corporation.

"Beer" and "alcohol and alcoholic beverages" shall mean such beverages as are regulated and controlled, respectively, by that initiated measure adopted at the special election held on September 23, 1933, as amended, known as the North Dakota Beer Act, and that initiated measure adopted at the general election of November 3, 1936, as amended, known as the Liquor Control Act.

"Manufacturer" shall mean any person engaged in the brewing, producing, manufacturing, distilling, rectifying, or compounding of beer or alcohol and alcoholic beverages.

"Wholesaler" shall mean any person engaged in the business of selling beer or alcohol and alcoholic beverages at wholesale.

"Retailer" shall mean any person licensed under the laws of this state to sell beer or alcohol and alcoholic beverages at retail.

§ 2. SUBSIDIZING PROHIBITED.] No manufacturer or wholesaler shall, either directly or indirectly, own or control, or have any financial interest in, any retail business selling beer or alcohol and alcoholic beverages; but this restriction shall not be construed to deny such person the right to use or have his property rented for such purpose in any case where the manufacturer or wholesaler was a bona fide owner of the premises prior to the effective date hereof. No manufacturer or wholesaler shall, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner thereof, give, lend or advance any money, credit or other thing of value to any retailer or to any person for the benefit or relief of any retailer, nor furnish, give, lend, lease

or sell any furniture, fixtures, fittings or equipment to any retailer or to any person for the benefit or relief of any retailer; nor shall any manufacturer or wholesaler, directly or indirectly, have any interest in, or pay for, any retail license, or advance, furnish, lend or give money for the payment of retail license fees or any expense incident to the obtaining of such license; nor shall any manufacturer or wholesaler become bound in any manner, directly or indirectly, for the repayment of any loan made to, or the fulfillment of any financial obligation of, any retailer; except that manufacturers or wholesalers may: (1) extend to retailers the usual and customary commercial credits for products of the industry actually sold and delivered; (2) furnish to retailers the containers of beer actually sold and delivered and may recover the same, or the value thereof, if such containers are not returned; (3) furnish, lend or rent outside signs to retailers, provided the cost of such signs, in the aggregate, furnished, lent or rented by any manufacturer or wholesaler to any retailer shall not exceed $100.00 exclusive of erection, installation and repair charges; but nothing herein shall be construed as affecting signs owned and located in the state on the effective date hereof by any such manufacturer or wholesaler; (4) furnish inside signs, miscellaneous advertising matter and other items not to exceed, in the aggregate, a cost of $25.00 in any calendar year to any one retailer; (5) furnish or maintain for retailers such equipment as is designed and intended to preserve and maintain the sanitary dispensing of beer, provided the expense incurred thereby does not exceed the sum of $25.00 per tap per calendar year, no part of which shall be paid in cash to any retailer; (6) lease or lend to the owner of premises, or to any retailer now or hereafter occupying the premises, any furniture, fixtures, fittings and equipment actually located on said premises on the effective date hereof. Any such manufacturer or wholesaler who, within ten days after the effective date, hereof, owns any furniture, fixtures, fittings or equipment in possession of any retailer on the effective date hereof may, within 90 days after said effective date, sell the same to such retailer only for cash on delivery and deliver a bill of sale to the same.

§ 3. EXCLUSIVE SALE PROHIBITED.] No manufacturer or wholesaler shall hereafter, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder or partner enter into any agreement, oral or written, whether or not incorporated in any chattel mortgage, conditional sales contract, bill of sale, lease, land contract, mortgage, deed or other instrument, wherein and whereby any retailer is required to purchase the beer or alcohol and alcoholic beverages of any manufacturer to the exclusion, in whole or in part, of the products of other manufacturers.

§ 4. RETAILERS, VIOLATION.] Any retailer who shall be a party to any violation of this Act, or who shall receive the benefits

thereof, shall be equally guilty with the manufacturer or wholesaler and shall be subject to the penalty hereinafter provided.

§ 5. PENALTIES.] Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Approved March 13, 1945.

APPROPRIATIONS

CHAPTER 54

H. B. No. 9
Introduced by Committee on Appropriations

AGRICULTURE AND LABOR—BEE KEEPERS ACT

An Act Making an appropriation to defray the expenses for the Bee Keepers Act.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of $2,500.00, or so much thereof as may be necessary to defray the expenses of the Commissioner of Agriculture and Labor or his agents as provided for in Section 4-1201, North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Licensing Bee Keepers	$2,500.00
Total	$2,500.00

Approved March 12, 1945.

CHAPTER 55

S. B. No. 18
Introduced by Committee on Appropriations

ARREST AND RETURN OF FUGITIVES FROM JUSTICE

An Act Making an appropriation to provide funds for the arrest and return of fugitives from justice.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $5,000.00, or so much thereof, as may be necessary to provide funds for the arrest and return of fugitives from justice as provided by Sections 29-3013 and 29-3014 of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947.

Approved February 20, 1945.

CHAPTER 56

H. B. No. 3
Introduced by Committee on Appropriations

ATTORNEY GENERAL—LICENSING DEPARTMENT

An Act Making an appropriation for the enforcement and administration of the Attorney General Licensing Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Attorney General License Fund in the State Treasury, the sum of $27,000.00, or so much thereof as may be necessary for salaries and general expenses for the Attorney General Licensing Department as provided for in Section 53-0607 of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Clerkhire and Inspectors	$18,000.00
Postage, Printing and Supplies	1,500.00
Miscellaneous	500.00
Travel Expense	7,000.00
Total	$27,000.00

§ 2. In addition to the sums above appropriated, there is hereby appropriated, for the purpose of administration of the affairs of said Licensing Department, out of the Attorney General's Inspection Fund, the proceeds of the sales of property seized and confiscated by inspectors of the State Licensing Department, and sold under order of the District Court, as provided by Section 53-0405, of the North Dakota Revised Code of 1943.

Approved March 12, 1945.

CHAPTER 57

H. B. No. 32
Introduced by Committee on Appropriations

THE BANK OF NORTH DAKOTA

An Act Making an appropriation for the purpose of defraying the expense of the maintenance and operation of the Bank of North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Bank of North Dakota Fund created by transfer of profits from said institution, the sum of $602,450.00, or so much thereof as may be necessary for the purpose of defraying the expense of the maintenance and operation of the Bank of North Dakota for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

BANKING DEPARTMENT

Administrative Expense:	
Salary—Manager (One-half Salary)	$ 5,700.00
Clerkhire	133,600.00
General Expense	60,000.00
Examinations & Legal Expense	14,400.00
Building Maintenance	15,200.00
Emergency Fund	10,000.00
Total	$238,900.00

COLLECTION AND LAND DEPARTMENT

Administrative Expense:	
Salary—Manager (One-half Salary)	$ 5,700.00
Clerkhire	140,000.00
General Expense	34,850.00

Emergency Fund	25,000.00
Field Supervision	140,000.00
Examination & Legal Expense	18,000.00
Total	$363,550.00
Grand Total	$602,450.00

Approved March 14, 1945.

CHAPTER 58

H. B. No. 14
Introduced by Committee on Appropriations

BOARD OF ADMINISTRATION—STATE SEED DEPT.

An Act Making an appropriation for salaries and expenses for the State Seed Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Seed Department Fund the sum of $367,300.00, or so much thereof as may be necessary for salaries and expenses for the State Seed Department as provided for in Section 4-09, North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Administration	$ 12,000.00
Deputy Commissioners	28,800.00
Clerks, Stenographers, etc.	22.000.00
Field Supervising Inspectors	12,500.00
Inspectors	120,000.00
Postage, Supplies, Printing, Furniture & Fixtures	8,000.00
Miscellaneous	10,000.00
Advertising & Research	25 000.00
Travel Expense	46,000.00
Automobiles	3.000.00
Test Plots	9,000.00
Agricultural Marketing Administration (now Food Distribution Administration)	8,000.00
Rent to Agricultural College & Others	5,000.00
Tags & Seals	28,000.00
Emergency	30,000.00
Total	$367,300.00

Approved March 12, 1945.

CHAPTER 59

S. B. No. 4
Introduced by Committee on Appropriations

BOYS' AND GIRLS' CLUB WORK

An Act Making an appropriation for the payment of the premiums for Boys' and Girls' Club Work at County Achievement Fairs; and providing the manner of disbursing such funds and making reports.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of not to exceed $200.00 each year to each organized county of the State in which a Boys' and Girls' Achievement Day, or Achievement Fair, is conducted, which sum shall be used exclusively for the payment of premiums for Boys' and Girls' Club Work.

§ 2. HOW PAID.] The moneys so appropriated shall be paid to the County Agent of each county conducting a Boys' and Girls' Achievement Day, or Achievement Fair, upon a voucher duly executed by the County Agent and filed wtih the State Auditor, stating that the money is to be used for the purpose herein authorized. Within thirty days following the Boys' and Girls' Achievement Day, or Achievement Fair, the County Agent shall file with the Governor of the State a full and complete itemized statement showing the disposition of the premium payments, and any balance not expended shall be remitted to the State Treasurer and placed to the credit of the General Fund.

Approved February 20, 1945.

CHAPTER 60

H. B. No. 1
Introduced by Committee on Appropriations

BUDGET

An Act To appropriate money for the expenses of the executive, legislative and judicial departments of the State Government, and for all of the subdivisions thereof, and for public schools, specifying the amount and time for which such appropriations shall be available, and repealing all acts, or parts of acts, insofar as the same shall relate to appropriations conflicting herewith or to appropriations for the same matters or purposes provided for herein, and declaring an emergency.

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

§ 1. APPROPRIATIONS FOR THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT AND FOR ALL OF THE SUBDIVISIONS THEREOF, AND FOR PUBLIC SCHOOLS.] The sums hereinafter named only or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, to the credit of each department, subdivision and public schools hereinafter named and the balance necessary out of the General Fund, except as hereinafter specifically provided, not otherwise appropriated, for the purpose specified in the following sections of this Act.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.] Unless otherwise specifically stated, the appropriations herein made shall be available for the expenses to be incurred in and about the several purposes herein set out, during the fiscal period of two years, beginning July 1st, 1945, and ending June 30th, 1947.

§ 3. APPROPRIATIONS.]

Subdivision 1.

EXECUTIVE OFFICE

Salary—Governor	$	12,000.00
Salary—Secretary		4,560.00
Clerkhire—Stenographers & Other Employees		11,800.00
Postage, Supplies, Printing, Furniture & Fixtures		3,210.00
Miscellaneous		2,000.00
Travel Expense		2,600.00
Governor's Contingent		3,800.00
Governors' Conference		1,000.00
Great Lakes-St. Lawrence Deep Waterway Project		500.00
Total	$	41,470.00

Subdivision 2.

LIEUTENANT GOVERNOR

Salary—Lieutenant Governor	$	2,000.00
Total	$	2,000.00

Subdivision 3.

SUPREME COURT

Salary—Judges Supreme Court (5)	$	55,000.00
Salary—Clerk Supreme Court		5,000.00
Clerkhire—Secretary, Stenographer to Justices		15,600.00
Postage, Supplies, Printing, Furniture & Fixtures		2,000.00
Miscellaneous		600.00
Travel Expense		200.00
Total	$	78,400.00

Subdivision 4.

SUPREME COURT REPORTER & LAW LIBRARIAN

Salary	$	4,800.00
Postage, Supplies, Printing & Binding, Furniture & Fixtures		400.00
Miscellaneous		200.00
Purchase of Books & Periodicals		4,500.00
Publishing North Dakota Reports		3,000.00
Total	$	12,900.00

Subdivision 5.

JUDGES OF DISTRICT COURTS

Salary, 15 Judges	$	120,000.00
Expense		12,000.00
Total	$	132,000.00

Subdivision 6a

SECRETARY OF STATE

Salary—Secretary of State	$	6,600.00
Salary—Deputy		6,000.00
Clerkhire		13,400.00
Postage, Supplies, Printing, Furniture & Fixtures		4,000.00
Miscellaneous		700.00
Travel Expense		200.00
Register of Deeds Recording Fees		200.00
Total	$	31,140.00

Subdivision 6b.

SECRETARY OF STATE—PUBLIC PRINTING

Legal Notices	$	400.00
Publishing Abstract of Votes		600.00
Publishing Tabulation of Votes in Pamphlet Form to Date		1,500.00
1945 Session Laws		5,000.00
Publicity Pamphlet (2 Elections)		5,000.00
Postage Publicity Pamphlet (2 Elections)		4,000.00
Printing & Binding Public Documents		1,500.00
Total	$	18,000.00

Subdivision 7a.

STATE AUDITOR

Salary—State Auditor	$	6,600.00
Salary—Deputy		6,000.00
Clerkhire		28,500.00
Postage, Supplies, Printing, Furniture & Fixtures		5,000.00
Miscellaneous		1,000.00
Travel Expense		1,000.00
Supplies—Departments & Counties		800.00
Total	$	48,900.00

Subdivision 7b.

STATE AUDITOR—GAS TAX DIVISION

Clerkhire	$	42,000.00
Postage, Supplies, Printing, Furniture & Fixtures		12,000.00
Miscellaneous		1,000.00
Travel Expense		5,000.00
Total	$	60,000.00

Subdivision 8a.

STATE TREASURER

Salary—State Treasurer	$	6,600.00
Salary—Deputy		6,000.00
Clerkhire		36,000.00
Postage, Supplies, Printing, Furniture & Fixtures		3,500.00
Miscellaneous		500.00
Travel Expense		200.00
Bonds of Deputy & Employees		600.00
Burglary & Robbery Insurance		450.00
Maintenance of equipment		400.00
Total	$	54,250.00

Subdivision 9a.

COMMISSIONER OF INSURANCE

Salary—Commissioner of Insurance	$	6,600.00
Salary—Deputy		6,000.00
Salary—Actuary		7,800.00
Clerkhire		12,000.00
Domestic Insurance Company—Examiner		2,000.00
Postage, Supplies, Printing, Furniture & Fixtures		5,000.00
Miscellaneous		1,000.00
Travel Expense		1,500.00

Investigation of Unauthorized Insurance Companies & Benevolent Societies	1,500.00
Three Convention Examiners (Revolving Fund)	22,500.00
Total	$ 65,900.00

Subdivision 9b.

STATE FIRE MARSHAL

Salary—State Fire Marshal	$ 4,800.00
Clerkhire	7,320.00
Postage, Supplies, Printing, Furniture & Fixtures	775.00
Miscellaneous	500.00
Travel Expense	4,000.00
Fees to Fire Chiefs	500.00
Arson Hearing Fund & Building Condemnation Hearing Fund	300.00
Total	$ 18,195.00

Subdivision 10.

ATTORNEY GENERAL

Salary—Attorney General	$ 8,400.00
Salary—Assistant Attorneys, Special Assistant Attorney & Commerce Counsel	29,954.00
Clerkhire	11,910.00
Postage, Supplies, Printing, Furniture & Fixtures	1,500.00
Miscellaneous	1,000.00
Travel Expense	2,000.00
Library	1,200.00
Miscellaneous Court Cases	5,000.00
Total	$ 60,964.00

Subdivision 11a.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary—Superintendent of Public Instruction	$ 6,600.00
Salary—Deputy	6,000.00
Clerkhire	7,120.00
Postage, Supplies, Printing, Furniture & Fixtures	16,000.00
Course of Study	2,000.00
Miscellaneous	750.00
Travel Expense	2,000.00
Deficit Printing of 1938	825.00
Total	$ 41,295.00

Subdivision 11b.

DEPARTMENT OF PUBLIC INSTRUCTION
STATE AID AND EXAMINATIONS

Salary—Director	$	5,400.00
Clerkhire		12,600.00
Travel Expense		1,500.00
High School & 8th Grade Examinations		15,000.00
Teachers' Meetings		1,500.00
Total	$	36,000.00

Subdivision 11c.

DEPARTMENT OF PUBLIC INSTRUCTION
STATE AID COUNTY AGRICULTURAL
& TRAINING SCHOOLS

County Agricultural School, Maddock	$	10,000.00
County Agricultural School, Park River		14,000.00
Total	$	24,000.00

Subdivision 12a.

DEPARTMENT OF AGRICULTURE & LABOR

Salary—Commissioner	$	6,600.00
Salary—Deputy		6,000.00
Clerkhire		12,000.00
Postage, Supplies, Printing, Furniture & Fixtures		9,150.00
Registration of Brands and Brand Books		6,000.00
Miscellaneous		1,100.00
Travel Expense		3,000.00
Mimeograph		500.00
Total	$	44,350.00

Subdivision 12b.

AGRICULTURE & LABOR —
COOPERATIVE DIVISION, EDUCATION & RESEARCH

Research & Education	$	2,000.00
Total	$	2,000.00

Subdivision 12c.

AGRICULTURE & LABOR—DAIRY DEPARTMENT

Salary—Dairy Commissioner	$	6,000.00
Clerkhire		30,000.00
Postage, Supplies, Printing, Furniture & Fixtures		3,000.00

Miscellaneous		400.00
Auto Exchange		700.00
Travel Expense		15,000.00
Hearings		300.00
Total	$	55,400.00

Subdivision 12d.

AGRICULTURE & LABOR — BEE DISEASES

Inspection of Bee Hives	$	2,000.00
Total	$	2,000.00

Subdivision 12e.

AGRICULTURE & LABOR—
MINIMUM WAGE DEPARTMENT

Clerkhire	$	9,610.00
Postage, Supplies, Printing, Furniture & Fixtures		700.00
Miscellaneous		150.00
Travel Expense		2,000.00
Hearings		500.00
Total	$	12,960.00

Subdivision 12f.

AGRICULTURE & LABOR—ATHLETIC COMMISSION

Clerkhire	$	1,200.00
Expense		300.00
Total	$	1,500.00

Subdivision 12g.

AGRICULTURE & LABOR—PREDATORY ANIMAL

Salaries, Ammunition & Trapping Equipment	$	25,000.00
Total	$	25,000.00

Subdivision 13a.

PUBLIC SERVICE COMMISSION

Salary—Commissioners (3)	$	16,200.00
Clerkhire		62,372.00
Postage, Supplies, Printing, Furniture & Fixtures		4,250.00

Miscellaneous	1,500.00
Travel Expense	6,000.00
Workmen's Compensation	225.00
Expense Handling Cases for Interstate Commerce Commission	12,000.00
National Association of Railroad & Utilities Commissioners	1,400.00
Research Data for Library	500.00
Total	$ 104,447.00

Subdivision 13b.

PUBLIC SERVICE COMMISSION—ELEVATOR DIVISION

Clerkhire	$ 14,400.00
Postage, Supplies, Printing, Furniture & Fixtures	1,300.00
Miscellaneous	400.00
Travel Expense & Car Exchange	3,000.00
Workmen's Compensation	30.00
Total	$ 19,130.00

Subdivision 14.

LAND COMMISSIONER

Salary—Commissioner	$ 7,200.00
Salary—Deputy	6,000.00
Clerkhire	64,936.00
Postage, Supplies, Printing, Furniture & Fixtures	7,800.00
Miscellaneous	500.00
Travel Expense	26,000.00
Leasing	3,000.00
Premium on Bonds	800.00
Inspection & Supervision	12,000.00
Sales — Collections	3,000.00
Surveying Islands	1,000.00
Total	$ 132,236.00

Subdivision 15.

TAX COMMISSIONER

Salary—Tax Commissioner	$ 8,000.00
Salary—Deputy	6,000.00
Clerkhire (includes Deputies & Field Auditors)	199,000.00
Postage, Supplies, Printing, Furniture & Fixtures	47,000.00
Miscellaneous	8,000.00
Travel Expense—Field Auditors	42,000.00

Revenue Stamps	10,000.00
Tax Litigation	2,000.00
Travel Expense (Department General)	3,000.00
Total	$ 325,000.00

Subdivision 16a.

BOARD OF ADMINISTRATION

Salary—Chairman & Members	$ 18,000.00
Clerkhire	25,000.00
Postage, Supplies, Printing, Furniture & Fixtures	2,000.00
Miscellaneous	900.00
Travel Expense	2,500.00
Emergency Fund for Institutions	20,000.00
Total	$ 68,400.00

Subdivision 16b.

STATE CAPITOL

Salaries	$ 133,882.00
Fuel	17,250.00
Light	14,000.00
Water	3,000.00
Boiler Room Supplies & Relining Boiler	3,500.00
Janitors' Supplies	7,000.00
Carpenter Shop	750.00
Yard, New Mower & Equipment, etc.	4,500.00
Governor's Residence	6,100.00
Improvements & Repairs	5,500.00
Elevator Maintenance Contract	6,120.00
Health Laboratory Rent	3,480.00
Miscellaneous—Insurance Workmen's Compensation, etc.	8,700.00
Concrete Sidewalk Between Curb & Capitol Building	1,800.00
Alterations	1,500.00
Total	$ 217,082.00

Subdivision 16c.

CAPITOL TELEPHONE EXCHANGE

Local Service & Maintenance	$ 16,025.00
Salaries	6,912.00
Legislative Expense	172.00
Directories	100.00
Total	$ 23,209.00

Subdivision 16d.

CENTRAL MAILING BUREAU

Salaries	$	6,804.00
Meter Rent		600.00
Emergency Service		100.00
Printing & Office Supplies		250.00
Postage Revolving Fund		10,000.00
Miscellaneous		50.00
Total	$	17,804.00

Subdivision 17.

STATE SEED DEPARTMENT

Seed Analyst	$	5,700.00
Assistant Seed Analysts		10,000.00
Travel Expense		500.00
Postage, Supplies, Printing, Furniture & Fixtures		3,360.00
Miscellaneous		440.00
Total	$	20,000.00

Subdivision 18.

STATE INDUSTRIAL COMMISSION

Salary—Secretary	$	840.00
Postage, Supplies & Printing		250.00
Miscellaneous		100.00
Total	$	1,190.00

Subdivision 19.

STATE LIBRARY COMMISSION

Salary	$	6,000.00
Clerkhire		21,440.00
Postage, Supplies, Printing, Furniture & Fixtures		3,000.00
Miscellaneous		800.00
Travel Expense		500.00
Aid to Libraries		500.00
Books, Binding & Repair		7,500.00
Total	$	39,740.00

Subdivision 20.

STATE PRINTER

Salary—State Printer	$	6,000.00
Clerkhire		3,000.00
Postage, Supplies, etc.		575.00
Miscellaneous		200.00
Travel Expense		250.00
Total	$	10,025.00

Subdivision 21.

ADJUTANT GENERAL

Salary — Adjutant General	$	6,600.00
Salary — Assistant Adjutant General		6,000.00
Clerkhire		10,800.00
Postage, Supplies, Printing, Furniture & Fitxures		1,500.00
Miscellaneous		350.00
Travel Expense		300.00
Total	$	25,550.00

Subdivision 22.

NATIONAL GUARD

Current Maintenance of National Guard	$	70,000.00
Emergency Fund—Available on Governor's Approval		35,000.00
Total	$	105,000.00

Subdivision 23.

STATE GUARD

Current Maintenance of State Guard	$	20,000.00
Emergency Fund—Available on Governor's Approval		15,000.00
Total	$	35,000.00

Subdivision 24.

30TH LEGISLATIVE ASSEMBLY

Mileage & Per Diem Members	$	67,000.00
Per Diem Employees		20,000.00
Printing		45,000.00
Miscellaneous		6,000.00
Total	$	138,000.00

Subdivision 25.

PARDON BOARD

Salary—Secretary	$	600.00
Salary—Members & Expenses		1,100.00
Investigations		1,000.00
Total	$	2,700.00

Subdivision 26.

STATE BUDGET BOARD

Per diem and other expenses of every kind incurred by the State Budget Board as prescribed by Section 54-1503, of the North Dakota Revised Code of 1943	$	3,000.00
Total	$	3,000.00

Subdivision 27.

REWARD FOR APPREHENSION OF CRIMINALS

Reward for the apprehension of criminals	$	1,000.00
Total	$	1,000.00

Subdivision 28a.

STATE EXAMINER

Salary—State Examiner	$	10,000.00
Clerkhire		100,000.00
Postage, Supplies, Printing, Furniture & Fixtures		4,000.00
Miscellaneous		1,500.00
Travel Expense		28,000.00
Bonds for Examiners		750.00
State Banking Board (Section 6-0103 of the North Dakota Revised Code of 1943)		1,000.00
Uniform Accounting for Counties (Section 6-0122, of the North Dakota Revised Code of 1943)		1,000.00
Total	$	146,250.00

Subdivision 28b.

SECURITIES COMMISSION

Clerkhire	$	1,500.00
Postage, Supplies, Printing, Furniture & Fixtures		550.00
Miscellaneous		300.00
Travel Expense		500.00
Investigations		3,000.00
Total	$	5,850.00

Subdivision 29.

STATE BOARD OF HIGHER EDUCATION

Salary—Commissioner	$	9,000.00
Salary—Auditor		6,000.00
Salary—Secretary		3,600.00
Clerkhire		3,240.00
Postage, Supplies, Printing, Furniture & Fixtures		1,500.00
Miscellaneous		700.00
Travel—Commissioner & Secretary		1,000.00
Travel—Auditor		500.00
Members—Per Diem		5,000.00
Members—Travel		3,500.00
Emergency Fund		15,000.00
Total	$	49,040.00

Subdivision 30.

VOCATIONAL EDUCATION AND VOCATIONAL REHABILITATION

Vocational Rehabilitation of Disabled Persons (to be Matched 50-50 by Federal Funds. No Administration costs to be Included in This Item.)	$	56,150.00
Civilian Vocational Education		3,850.00
Total	$	60,000.00
GRAND TOTAL	$	2,416,677.00

§ 4. Appropriations herein provided insofar as they are used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Section 48-0602, of the North Dakota Revised Code of 1943.

§ 5. INTENT, REPEAL, PURPOSE AND CONSTRUCTION.] All acts and parts of acts that may be in conflict herewith are hereby repealed and if for any reason or cause any specific appropriation for any item or set of items should be held by the court, or courts, to be unconstitutional or illegal or otherwise unavailable for any cause, such holding shall not affect or be construed to apply to the remaining items of appropriation herein or purposes provided for herein.

§ 6. EMERGENCY.] This Act is necessary to the immediate preservation of the public peace, health and safety. The reason for this is that it contains the general appropriation and provides the means of continuing and maintaining the State Government and to enable it to perform its proper functions, among which are the preservation of the public peace, health and safety of the people, and without the means provided for by this Act the functions of the State Government will be suspended. This Act will therefore in its entirety go into instant operation upon its approval by the Governor.

Approved March 14, 1945.

CHAPTER 61

S. B No. 17
Introduced by Committee on Appropriations

COAL MINE INSPECTOR

An Act Making an appropriation for the purpose of paying salary, clerkhire and general expenses of the Department of Coal Mine Inspector and Coal Mine Safety Work.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $13,965.00, or so much thereof as is necessary to pay salary, clerkhire, per diem and general expenses of the Coal Mine Inspector, as provided for in Chapter 38-03 of North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

COAL MINE INSPECTOR

Salary	$ 5,400.00
Clerkhire	3,240.00
Postage, Supplies, Printing, Furniture & Fixtures	2,000.00
Miscellaneous	300.00
Travel Expense	2,500.00
Examining Board	325.00
Auditing Board	200.00
Total	$13,965.00

§ 2. APPROPRIATION.] There is, also, hereby appropriated from any funds available, in the State Treasury, the sum of $5,000.00, or so much thereof as is necessary for coal mine safety work as provided for in Chapter 38-04 of North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

COAL MINE SAFETY

Services	$ 2,000.00
Expenses	3,000.00
Total	$ 5,000.00

Approved March 9, 1945.

CHAPTER 62

S. B. No. 22
Introduced by Committee on Appropriations

COMMISSIONER OF VETERANS' AFFAIRS

An Act Providing an appropriation for the paying of salary, clerkhire, travel and general expenses of the office of Commissioner of Veterans' Affairs.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $45,700.00, or so much thereof as may be necessary, to pay salary, clerkhire, travel and general expenses of the office of Commissioner of Veterans' Affairs as prescribed by Chapter 37-13 of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Commissioner	$ 8,400.00
Salary—Assistant Commissioner	9,600.00
Clerkhire	12,000.00
Postage, Supplies, Printing, Furniture & Fixtures	4,000.00
Electric Light, Telephone and Telegraph	1,800.00
Miscellaneous	1,000.00
Travel Expense	5,000.00
Rent	2,400.00
Emergency	1,500.00
Total	$45,700.00

Approved March 10, 1945.

CHAPTER 63

H. B. No. 128
Introduced by Representative Johnson of Cass

CONTINUING APPROPRIATIONS OMITTED FROM 1943 CODE

An Act Continuing in force and effect all standing and continuing appropriations omitted from the North Dakota Revised Code of 1943; declaring an emergency.

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

§ 1. That all standing and continuing appropriations omitted from the North Dakota Revised Code of 1943 shall continue in full

force and effect for the purposes for which such appropriations were enacted.

§ 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.

Approved February 27, 1945.

CHAPTER 64

H. B. No. 80
Introduced by Representative Stair by Request

DEFICIENCY APPROPRIATION STATE HAIL INSURANCE DEPARTMENT

An Act Making a deficit appropriation to the State Hail Insurance Department to repay money borrowed from the Bank of North Dakota and incurred for operation expenses on increased risks; and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Hail Insurance Fund into a fund to be known as the Hail Insurance Deficit Fund, the sum of $14,170.33 or so much thereof as may be necessary to repay to the Bank of North Dakota a loan made by the State Hail Insurance Department, with the approval of the Industrial Commission, dated November 18th, 1944, to pay operating expenses necessarily incurred to carry hail insurance risks double in volume those assumed in the previous biennium.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its enactment and approval.

Approved March 10, 1945.

CHAPTER 65

H. B. No. 4
Introduced by Committee on Appropriations

DEPT. OF PUBLIC INSTRUCTION—CERTIFICATE FUND

An Act Making an appropriation for the salaries and expenses of the Certification Division.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of $15,000.00, or so much thereof as may be necessary for salaries and expenses for the Certification Division, as provided for in Section 15-3609, North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Director	$ 5,000.00
Clerkhire	6,600.00
Supplies, Postage & Printing	1,700.00
Travel Expense	500.00
Correcting Papers	1,200.00
Total	$15,000.00

Approved March 12, 1945.

CHAPTER 66

H. B. No. 81
Introduced by Representatives Callahan, Wambheim, Drovdal and Halcrow

DEPARTMENT OF PUBLIC INSTRUCTION TEACHERS' PLACEMENT DIVISION

An Act Making an appropriation for the salaries and expenses of the Teacher's Placement Division.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the equalization fund in the State Treasury, not otherwise appropriated, the sum of $12,800.00 for the necessary salaries and expenses of the Teacher's Placement Division, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Director	$ 6,000.00
Clerkhire	3,900.00
Postage, Supplies, Printing, Telephone and Telegraph	2,800.00
Travel Expense	100.00
Total	$12,800.00

Approved February 23, 1945.

CHAPTER 67

H. B. No. 82
Introduced by Reps. Callahan, Wambheim, Drovdal and Halcrow

TEACHER'S PLACEMENT DIVISION

An Act Appropriating Twenty-Six Hundred Dollars ($2600.00) for the maintenance of the Teacher's Placement Division from February 1, 1945 to July 1, 1945 under the Act of Congress known as the Wagner-Peyser Act, approved June 6, 1933 (48 Sta. 113, United States Code Title 29, Section 49); and declaring an emergency.

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

§ 1. There is hereby appropriated out of any monies in the equalization fund in the State Treasury, not otherwise appropriated, the sum of Twenty-six Hundred Dollars ($2600.00), or so much thereof as may be necessary for the continued operation of the Teacher's Placement Division of the State Department of Public Instruction, from February 1, 1945 to July 1, 1945, under the provisions of the Act of Congress known as the Wagner-Peyser Act referred to in the title herein, and under the provisions of Chapter 161 of the Session Laws of 1935, the same being Section 52-0801 of the North Dakota Revised Code of 1943.

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

Approved February 20, 1945.

CHAPTER 68

H. B. No. 56
Introduced by House Appropriations Committee

EMERGENCY APPROPRIATION WILLIAM BAUER

An Act Making an appropriation for per diem and expenses incurred by William Bauer in investigating Indian affairs and making a report thereon, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Eighty-five Dollars and Fifteen Cents ($85.15), or so much thereof as may be necessary to pay per diem and expenses of William Bauer acting as Interim Committee to report on Indian affairs at the Standing Rock Indian Reservation, Fort Yates, North Dakota.

§ 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.

Approved February 20, 1945.

CHAPTER 69

H. B. No. 53
Introduced by House Appropriations Committee

EMERGENCY APPROPRIATION FOR CHAIRS FOR LEGISLATIVE COMMITTEES

An Act Making an appropriation in the sum of Eleven Hundred Dollars and Fifty-seven cents ($1,100.57) to the Board of Administration for the purchase price of chairs for Legislative Committees; and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of monies in the State Treasury, not otherwise appropriated, the sum of Eleven Hundred Dollars and Fifty-seven Cents ($1,100.57), for the purchase price of chairs for Legislative Committees.

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

Approved March 12, 1945.

CHAPTER 70

H. B. No. 36
Introduced by Committee on Appropriations

ELECTED STATE OFFICIALS, SALARIES

An Act Making an appropriation for the deficiency in salaries of the elected State Officials of the State of North Dakota for the last six months of the biennium ending June 30, 1945; and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of $21,400.00, or so much thereof as may be necessary, for the payment of the deficiency in salaries of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture and Labor, Commissioner of Insurance, and one Public Service Commissioner, five judges of the Supreme Court, the Tax Commissioner and fifteen judges of the District Court, for the last six months of the biennium ending June 30, 1945; said appropriation being in the amounts and for the respective state officials as follows:

Governor	$ 1,000.00
Attorney General	600.00
Secretary of State	450.00
State Auditor	450.00
State Treasurer	450.00
Superintendent of Public Instruction	450.00
Commissioner of Agriculture & Labor	450.00
Commissioner of Insurance	450.00
One Public Service Commissioner	450.00
Five Judges Supreme Court	1,250.00
Tax Commissioner	400.00
Fifteen Judges District Court	15,000.00
Total	$21,400.00

§ 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.

Approved February 13, 1945.

CHAPTER 71

H. B. No. 75
Introduced by Representatives Johnson of Richland, Fitch, Graham and Crockett

ELECTRIC ROLL CALL SYSTEM, LEGISLATIVE

An Act Relating to the purchase of an electric roll call system for the House of Representatives and appropriating money for the purposes of this Act.

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

§ 1. INSTALLATION.] The Board of Administration is hereby authorized and directed to install an electric roll call system in the House chamber and to make a contract for the purchase and installation thereof, subject, however to the following limitations: When the Federal government has granted priorities for or otherwise released to the state all material and supplies necessary for the construction of the electric roll call system provided for herein. The cost of such electric roll call system, including the cost of installation, shall not exceed the sum of $50,000.00. Said installation shall be completed at the earliest possible date so as to be available, if possible, for use during the regular session of the Legislature in 1947.

Title to said electric roll call system except conduits, iron boxes or frames, junction boxes, wires, motor generator set and other material or parts permanently installed shall remain in the contractor and shall be removed at the end of the regular session of the Legislature in 1947 in the event that the House shall determine that such electric roll call system is not satisfactory. The contract for the purchase and installation of such electric roll call system shall provide for a specific sum which shall be the total cost thereof if such system is accepted by the House and the amount which shall be paid to the contractor in full payment of all services and material in the event that such electric roll call system is rejected by the House.

§ 2. APPROPRIATION.] There is hereby appropriated out of the general fund of the state, not otherwise appropriated to the Board of Administration, the sum of Fifty thousand Dollars ($50,000) to carry out the purposes of this act.

Approved March 9, 1945.

CHAPTER 72

H. B. No. 84
Introduced by Ways and Means Committee

EXPENSE LEGISLATIVE MEMBERS

An Act for allowance of members of the legislative assembly, making an appropriation, declaring an emergency.

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

§ 1. ALLOWANCE FOR LIVING EXPENSES OF MEMBERS OF LEGISLATIVE ASSEMBLY.] Each member of the legislative assembly of the State of North Dakota shall be entitled to, and shall receive the sum of Three Hundred Dollars ($300.00) as reimbursement for his living expenses for each legislative session including the present session, the sum of Three Hundred Dollars ($300.00) payable as follows: One-half of said sum payable at the end of the thirtieth day of the session and the remaining one-half thereof to be paid at the close of the legislative session. Said sum shall be paid in the same manner as the regular per diem of the members of the legislative assembly is paid.

§ 2. There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of Fifty Thousand Dollars ($50,000) or so much thereof as may be necessary to carry out the provisions of this act.

§ 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.

Filed February 23, 1945.

CHAPTER 73

S. B. No. 9
Introduced by Committee on Appropriations

FEEBLE-MINDED—STATE AT LARGE

An Act Making an appropriation for the care of feeble-minded whose residence cannot be determined and whose care must be borne by the State.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $1,080.00, or so much thereof as may be necessary to care for the feeble-minded whose residence cannot be determined, and whose care must be borne by the State, for the biennium beginning July 1st, 1945, and ending June 30th, 1947.

Approved March 10, 1945.

CHAPTER 74

S. B. No. 73
Introduced by Senate Committee on Military and Indian Affairs

FRAINE BARRACKS, MAINTENANCE

An Act Making an Appropriation for the Completion of Work and for Maintenance of Fraine Barracks in Burleigh County, North Dakota; providing for method of disbursement, and Delaring an Emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated to the Adjutant General of the State of North Dakota out of moneys in the State Treasury not otherwise appropriated the sum of Fifteen Thousand Dollars ($15,000) or so much thereof as may be necessary for the purpose of completing the work on the buildings at Fraine Barracks in Burleigh County, North Dakota.

§ 2. The appropriation made in Section 1 of this act shall be disbursed by the Adjutant General of the State of North Dakota upon proper vouchers submitted and approved by him.

§ 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 10, 1945.

CHAPTER 75

S. B. No. 11
Introduced by Committee on Appropriations

GAME AND FISH DEPARTMENT

An Act Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Game and Fish Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Game and Fish Fund, not otherwise appropriated, the sum of $219,100.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the Game and Fish Department, and

in carrying out the provisions and purposes of all game laws imposing duties or conferring powers on the Game and Fish Commissioner, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Commissioner	$ 6,000.00
Salary—Deputy Commissioner & Chief Warden	9,600.00
Salary—District Wardens	43,200.00
Clerkhire	10,800.00
Postage, Supplies, Printing, Furniture & Fixtures	9,000.00
Miscellaneous	3,000.00
Travel Expense	30,000.00
Special Bulletin Printing	9,600.00
Audit & Compensation	3,400.00
Junior Wardens	2,500.00
Match Federal Funds	25,000.00
Propagation	20,000.00
Maintenance Hatcheries & Fish Distribution	15,000.00
Maintenance Game Farms	10,000.00
Rewards	2,000.00
Construction of Dams	20,000.00
Total	$219,100.00

Approved March 12, 1945.

CHAPTER 76

S. B. No. 44
Introduced by Senators Rue, Braun and Work

GOVERNOR'S MANSION

An Act Providing for the transfer of $50,000.00 from the state capitol building fund for the purpose of erecting a new governor's mansion and equipping the same on the Capitol grounds in the city of Bismarck, North Dakota.

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

§ 1. That when there arises in the state capitol building fund and upon the retirement of all refunding certificates outstanding against said fund a surplus, such surplus in the amount of $50,000.00 shall be transferred and covered into a special fund to be known as the governor's mansion building fund. Such funds shall be used only for the purpose of erecting a new governor's mansion and equipping the same on the Capitol grounds in the city of Bismarck, North Dakota, and shall be expended therefor as the legislative assembly may direct.

Approved March 10, 1945.

CHAPTER 77

H. B. No. 16
Introduced by Committee on Appropriations

GRAFTON STATE SCHOOL

An Act Making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous items for the Grafton State School at Grafton, North Dakota.

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

§ 1. APPROPRIATIONS.] There is hereby appropriated the sum of $340,000.00 out of the County Care and Institutional Collections funds of the institution hereafter named and the sum of $837,725.50 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous items for the Grafton State School at Grafton, North Dakota, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salaries & Wages:		
1.	Salary—Superintendent	$ 7,500.00
2.	Sec'y & Other Employees	425,604.00
Operating Expense:		
1.	Fuel (including freight)	65,000.00
2.	Repairs—General	12,000.00
3.	Ins., Bonds, Prtg., & In identals	14,500.00
4.	Travel	2,000.00
5.	Office Supplies & Educ. Supplies	6,500.00
6.	Power House Supplies	8,000.00
7.	Janitor's Supplies, Laundry & Kitchen Supplies	23,000.00
8.	Inmates' Welfare	4,000.00
9.	Food (including meats, etc.)	125,000.00
10.	Clothing	50,000.00
11.	Hospital & Medical Service	14,000.00
12.	Farm & Garden	20,000.00
13.	Bedding, Beds & Furnishings	19,000.00
	Total Maintenance	$ 796,104.00
Improvements & Repairs:		
1.	Repairs on Evaporators	2,000.00
2.	Rebricking Boilers	8,000.00
3.	2—Artesian Well "4" & Repairs on Old Well	5,000.00
4.	Drainage—Sunset Hall Basement	5,000.00
5.	Improving River Project	4,000.00
6.	Paints & Painting	4,000.00

7. Buildings	8,000.00
8. Farm, Garden & Fencing	6,000.00
New Buildings:	
1. New Hospital	250,000.00
2. Addition to & Remodeling Refectory	50,000.00
3. Barn for Young Stock	3,000.00
Equipment:	
1. Three 16" Bros. Stokers	4,000.00
2. 1—30 K.W. Elec. Motor Generator, etc.	10,000.00
3. New Cars & Trucks	3,000.00
4. Farm Machinery	3,500.00
5. Kitchen, Steam Cookers, Etc.	2,500.00
6. Laundry & Janitor	3,000.00
7. Hospital	3,000.00
Miscellaneous Items:	
1. Land Rentals	7,621.50
Total	$1,177,725.50

Approved March 14, 1945.

CHAPTER 78

H. B. No. 33
Introduced by House Appropriations Committee

GRAFTON SCHOOL (SPECIAL)

An Act To make an appropriation for the payment to the City of Grafton for water consumed by the Grafton State School, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of moneys in the State Treasury, not otherwise appropriated, the sum of Three Thousand Dollars, ($3,000.00), or so much thereof as may be necessary, to pay the City of Grafton for water consumed by the Grafton State School and furnished by the City of Grafton to supplement the Institutional water supply, from July 1, 1943 to June 30, 1945.

§ 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.

Approved January 26, 1945.

CHAPTER 79

H. B. No. 42
Introduced by Representatives Collette, Lillehaugen and Levin

GRAFTON STATE SCHOOL, WATER

An Act Making an appropriation for the payment to the City of Grafton for water consumed by the Grafton State School, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of moneys in the State Treasury, not otherwise appropriated, the sum of Three Thousand One Hundred Ninety-Eight Dollars and Thirty-Six Cents ($3,198.36), to pay the City of Grafton for water consumed by the Grafton State School and furnished by the City of Grafton to supplement the Institutional water supply, from November 1, 1939 to July 1, 1943.

§ 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.

Approved February 20, 1945.

CHAPTER 80

H. B. No. 8
Introduced by Committee on Appropriations

HIGH SCHOOL CORRESPONDENCE STUDY

An Act Making an appropriation for the salaries and miscellaneous expenses of the High School Correspondence Study.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Equalization Fund in the State Treasury, the sum of $133,000.00, or so much thereof as may be necessary for salaries and miscellaneous expenses of the High School Correspondence Study as provided for in Chapter 15-19 of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947.

Approved March 14, 1945.

CHAPTER 81

S. B. No. 8
Introduced by Committee on Appropriations

HIGHWAY PATROL AND DRIVER'S LICENSE BUREAU

An Act Making an appropriation out of the Motor Patrol Fund in the State Treasury, for the operation, maintenance, equipment, supplies, outfitting of patrolmen, travel and miscellaneous expenses for the Motor Patrol Branch.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Motor Patrol Fund in the State Treasury, not otherwise appropriated, the sum of $209,746.09, or so much as is necessary thereof, for the operation, maintenance, equipment, supplies, outfitting of patrolmen, travel and miscellaneous expenses for the Motor Patrol Branch of the State Highway Departments, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Superintendent	$ 5,400.00
Salary Assistant Superintendent	4,800.00
Patrolmen	76,800.00
Clerks & Bookkeepers	16,608.00
Postage, Supplies, Printing, Furniture & Fixtures	6,341.26
Miscellaneous	6,747.43
Travel Expense	31,400.00
New Equipment	3,823.60
Training School & First Aid	808.80
Educational Program	960.00
Car Operation, Maintenance & Replacement	55,057.00
Audit	1,000.00
Total	$209,746.09

Approved March 17, 1945.

CHAPTER 82

S. B. No. 212
Introduced by Committee on Appropriations

IMPEACHMENT TRIALS

An Act To appropriate the sum of seventy-five thousand dollars ($75,000.00) for the payment of expenses of impeachment trials.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of seventy-five thousand dollars ($75,000.00), or so much thereof as may be necessary for the payment of expenses of impeachment trials during the period ending January 1, 1946.

Approved March 13, 1945.

CHAPTER 83

S. B. No. 20
Introduced by Committee on Appropriations

INSANE PATIENTS—STATE AT LARGE

An Act Making an appropriation for the care of insane patients whose residence cannot be determined and whose care must be borne by the State.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $85,000.00, or so much thereof as may be necessary, to care for the insane patients whose residence cannot be determined and whose care must be borne by the State, for the biennium beginning July 1st, 1945, and ending June 30th, 1947.

Approved February 20, 1945.

CHAPTER 84

S. B. No. 31
Introduced by Committee on Appropriations

INSURANCE TAX TO FIRE DEPARTMENTS

An Act Making an appropriation for the purpose of paying insurance tax to the various fire departments of the State.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $70,000.00, or so much thereof as may be necessary to comply with the provisions of Chapter 18-08 of the North Dakota Revised Code of 1943 relating to the payment of premiums received upon policies issued upon property, to various fire departments, for the biennium beginning July 1st, 1945, and ending June 30th, 1947.

Approved March 16, 1945.

CHAPTER 85

H. B. No. 283
Introduced by Committee on Appropriations

LEGISLATIVE ASSEMBLY, SPECIAL

An Act Making an additional appropriation for expenses of the Twenty-ninth Legislative Assembly, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $21,500.00, in addition to amounts already appropriated, for expenses of the twenty-ninth legislative assembly as follows, to-wit:

Per diem, Officers and Employees	$ 20,500.00
Miscellaneous	1,000.00
Total	$ 21,500.00

§ 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.

Approved March 3, 1945.

CHAPTER 86

H. B. No. 156
Introduced by Representative Johnson of Cass

LICENSING OF AMUSEMENT GAMES' LAW

An Act Appropriating out of monies collected under the licensing of amusement games' law, as provided by Sections 53-0401 to 53-0408, both inclusive, of the North Dakota Revised Code of 1943, the sum of Three Thousand Dollars ($3,000.00) for the use of the attorney general in administering the provisions of said act during the biennium ending June 30, 1947, providing that such appropriation shall not exceed the amount of revenue collected under said act.

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

§ 1. There is hereby appropriated out of any monies collected under the provisions of Sections 53-0401 to 53-0408, both inclusive, of the North Dakota Revised Code of 1943, the sum of Three Thousand Dollars ($3,000.00) for the use of the attorney general in administering the provisions of said law during the biennium ending June 30, 1947; provided, however, that this appropriation shall not exceed the amount of revenue collected under the provisions of said Sections 53-0401 to 53-0408, both inclusive, of the North Dakota Revised Code of 1943.

Approved March 13, 1945.

CHAPTER 87

S. B. No 14
Introduced by Committee on Appropriations

LIVESTOCK SANITARY BOARD

An Act Making an appropriation to the Livestock Sanitary Board, for its operating and maintenance expense and for indemnifying owners of animals, to the Bangs Disease Fund and to the Bovine Tuberculosis Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Treasury, not otherwise appropriated, the sum of $138,950.42, or so much thereof as is necessary, to pay the operating and maintenance expenses of the Livestock Sanitary Board, and for the expenses and indemnifying owners of animals, to the Bangs Disease Fund and to the Bovine Tuberculosis Fund, for the biennium begin-

ning July 1st, 1945, and ending June 30th, 1947, in the sums hereinafter named only, to-wit:

LIVESTOCK SANITARY BOARD

Salary—Executive Officer & State Veterinarian	$ 8,000.00
Deficiency, 1942 Printing	250.42
Clerkhire	3,600.00
Postage, Supplies, Printing, Furniture & Fixtures	1,500.00
Miscellaneous	900.00
Services & Expenses Board's Agents	21,000.00
Compensation & Expense Board Members	1,000.00
Workmen's Compensation Bureau	1,200.00
Anthrax Vaccine & Serum	1,500.00
Total	$ 38,950.42

BANGS DISEASE FUND AND
BOVINE TUBERCULOSIS FUND

Miscellaneous Expenses	$100,000.00
Total	$100,000.00
Grand Total	$138,950.42

Approved March 9, 1945.

CHAPTER 88

S. B. No. 21
Introduced by Committee on Appropriations

MISCELLANEOUS REFUNDS

An Act Making an appropriation for the purpose of refunding money erroneously paid into or credited to the General Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $2,500.00, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, or so much thereof as may be necessary for the purpose of making certain refunds out of the General Fund and which is known as the Miscellaneous Refund Account, used for the purpose of refunding money erroneously paid into or credited to the General Fund.

Approved Februa 17, 1945.

CHAPTER 89

S. B. No. 26
Introduced by Committee on Appropriations

NORTH DAKOTA FIREMEN'S ASSOCIATION

An Act Making an appropriation to the North Dakota Firemen's Association.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $3,000.00, or so much thereof as is necessary, to the North Dakota Firemen's Association, for use in promoting regional fire schools, and other activities of such association, as provided for in Sections 18-0302 to 18-0309, inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945 and ending June 30th, 1947.

Approved March 10, 1945.

CHAPTER 90

H. B. No. 5
Introduced by Committee on Appropriations

NORTH DAKOTA RESEARCH FOUNDATION

An Act Making an appropriation for the use of the North Dakota Research Foundation.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $50,000.00 to be used as prescribed by Sections 54-3401 to 54-3405, both inclusive, of North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947.

Approved March 14, 1945.

CHAPTER 91

S. B. No. 19
Introduced by Committee on Appropriations

NORTH DAKOTA SOLDIERS' HOME

An Act Making an appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; providing for reports and deductions.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $13,453.00, and such moneys as may come to the Interest and Income and Federal Aid Funds, or so much thereof as may be necessary not to exceed $48,700.00, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, or so much thereof as may be necessary for the maintenance and support of the North Dakota Soldiers' Home located at Lisbon, North Dakota, said sums to be paid as follows: one quarter of $15,538.25 to be payable July 1st, 1945, and each additional quarter to be payable at the end of each succeeding six months thereafter. In addition, there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $164,500.00, or so much thereof as may be necessary for the purpose of a new building, sewer and water extension, furniture and equipment at the North Dakota Soldiers' Home at Lisbon, North Dakota, for the biennium beginning July 1st, 1945, and ending June 30th, 1947.

§ 2. REPORTS AND CERTIFICATES, PAYMENTS.] The superintendent in charge of said home shall make semi-annual reports to the State Auditor of the State of North Dakota, duly certified under oath, showing the amount of money remaining unexpended and estimating the amount of money which shall be required for the succeeding six months, and, if it shall appear from said report and estimate that the full amount appropriated for the succeeding six months exceeds the amount of the estimate, then the amount to be paid shall be reduced to the amount of said estimate.

Approved March 10, 1945.

CHAPTER 92

H. B. No. 24
Introduced by Committee on Appropriations

NORTH DAKOTA STATE FARM

An Act Making an appropriation for the general maintenance and operation of the North Dakota State Farm, Bismarck, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $30,000.00, or so much thereof as may be necessary to pay the general maintenance and operation of the North Dakota State Farm, Bismarck, North Dakota, for the biennium beginning July 1st, 1945, and ending June 30th, 1947. There is, also, hereby appropriated for the same purposes all moneys received from counties and from the Federal Government as prescribed by Chapter 12-51, North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947.

Approved March 14, 1945.

CHAPTER 93

S. B. No. 37
Introduced by Senator Troxel

PENSION FOR MINOR CHILDREN OF JOHN E. CRITES

An Act Making an Appropriation for a Pension for Patricia Ann Crites and Dennis Duane Crites, minor children of National Guardsman John E. Crites.

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

There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of five hundred and twenty-eight dollars ($528.00) or so much thereof as may be found necessary for paying a pension to Patricia Ann Crites and Dennis Duane Crites, minor children of John E. Crites, in accordance with Sections 37-1101 to 37-1104, inclusive, of North Dakota Revised Code of 1943, and for the reason that Private John E. Crites of the North Dakota National Guard, died from a gunshot wound accidentally received while in the performance of his duties as a National Guardsman, during the month of June, 1935, said appropriation to cover pension of twenty-two dollars ($22.00) per month from July 1, 1943 to July 1, 1945.

Approved March 10, 1945.

CHAPTER 94

H. B. No. 26
Introduced by Committee on Appropriations

POULTRY IMPROVEMENT BOARD

An Act Making an appropriation for the operation, maintenance and miscellaneous expenses of the Poultry Improvement Board.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, in the Poultry Improvement Board Fund, the sum of $84,790.00, or so much as is necessary, for the purpose of defraying any and all expenses for the operation, maintenance and miscellaneous expenses incidental to carrying out the provisions and purposes, as provided by Sections 4-1301 to 4-1314, both inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Executive Secretary	$ 6,000.00
Clerkhire	14,880.00
Postage, Supplies, Furniture & Fixtures	3,850.00
Miscellaneous	1,500.00
Travel Expense	4,000.00
Compensation & Expense of Board Members	1,560.00
Tags, Bands & Antigen	4,500.00
Bureau of Agricultural Economics	1,000.00
Poultry Shows	500.00
Fieldmen	20,000.00
Emergency	27,000.00
Total	$ 84,790.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of the North Dakota Revised Code of 1943.

Approved March 12, 1945.

CHAPTER 95

S. B. No. 29
Introduced by Committee on Appropriations

PREMIUMS BONDS STATE OFFICIALS

An Act Making an appropriation for the purpose of paying premiums on bonds of State Officials.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $1,700.00, for the biennium, or so much thereof as may be necessary to pay the premiums on bonds of State Officials, bonded under the provisions of Section 11-1006, of the North Dakota Revised Code of 1943.

Approved March 13, 1945.

CHAPTER 96

S. B. No. 5
Introduced by Committee on Appropriations

PUBLIC HEALTH, PUBLIC HEALTH LABORATORIES, BLOOD PLASMA PROGRAM AND DIVISION OF CHILD HYGIENE

An Act Making an appropriation for the operating and maintenance expenses of the Public Health Department, Public Health Laboratories, Blood Plasma Program and Division of Child Hygiene.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $240,408.00, or so much thereof as is necessary to pay the salaries, clerkhire and all miscellaneous items and expenses of the Public Health Departmemnt and its related agencies, Public Health Laboratories, Blood Plasma Program as prescribed by Chapter 27 of the Authenticated Edition of the Special Session Laws of 1944, and Division of Child Hygiene, and in collaboration with Federal Funds, as provided for in Chapters 23-01, 23-02, 23-03, 23-04, 23-06, 23-07 and 23-14 of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

PUBLIC HEALTH

Salary—State Health Officer	$ 10,000.00
Clerkhire	90,000.00
Postage, Supplies, Printing, Furniture & Fixtures	24,000.00
Miscellaneous	2,000.00
Travel Expense	5,000.00
Card indexing—Birth, Death & Marriage Certificates	4,020.00
Arsenicals	4,000.00
Car Fund	900.00
Total	$139,920.00

PUBLIC HEALTH LABORATORIES

Clerkhire	$ 36,040.00
Postage, Supplies, Printing, Furniture & Fixtures	3,900.00
Miscellaneous	1,800.00
Laboratory Supplies	6,000.00
Travel Expense	600.00
Emergency	500.00
Total	$ 48,840.00

BLOOD PLASMA PROGRAM

Clerkhire	$ 4,500.00
Postage, Supplies, Printing, Furniture & Fixtures	1,000.00
Miscellaneous	500.00
Laboratory Supplies	2,000.00
Total	$ 8,000.00

DIVISION OF CHILD HYGIENE

Salary—Director	$ 6,000.00
Clerkhire	24,948.00
Postage, Supplies, Printing, Furniture & Fixtures	3,200.00
Miscellaneous	500.00
Travel Expense	6,000.00
Biologicals	3,000.00
Total	$ 43,648.00
Grand Total	$240,408.00

Approved March 12, 1945.

CHAPTER 97

H. B. No. 10
Introduced by Committee on Appropriations

PUBLIC SERVICE COMMISSION—AUTO TRANSPORTATION DIVISION

An Act Making an appropriation for operation and maintenance of the Auto Transportation Division.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Auto Transportation Fund, in the State Treasury, the sum of $70,100.00, or so much thereof as may be necessary for defraying expenses in operating and maintaining the Auto Transportation Division as provided for in Sections 49-1801 to 49-1805, both inclusive, of North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Director	$ 6,600.00
Clerkhire	39,200.00
Postage, Supplies, Printing, Furniture & Fixtures	2,600.00
Miscellaneous	1,000.00
Travel Expense	20,000.00
Workmen's Compensation	200.00
Refunds	500.00
Total	$ 70,100.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0681 to 48-0687, both inclusive, of North Dakota Revised Code of 1943.

Approved March 12, 1945.

CHAPTER 98

H. B. No. 11
Introduced by Committee on Appropriations

PUBLIC SERVICE COMMISSION—DEPARTMENT OF WEIGHTS AND MEASURES

An Act Making an appropriation for salaries and expenses of the Department of Weights and Measures.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Treasury, the sum of $56,245.00, or so much thereof as may be necessary for the salaries and expenses of the Department of Weights and Measures as provided for in Sections 64-0201 to 64-0220, both inclusive, of North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Clerkhire	$ 31,480.00
Postage, Supplies, Printing, Furniture & Fixtures	2,000.00
Miscellaneous	1,200.00
Travel Expense	14,400.00
License Plates, Seals, etc.	500.00
Field Testing Equipment	1,250.00
Refunds	125.00
Trucks & Mtce.	5,000.00
Workmen's Compensation	290.00
Total	$ 56,245.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of North Dakota Revised Code of 1943.

Approved March 12, 1945.

CHAPTER 99

H. B. No. 12
Introduced by Committee on Appropriations

PUBLIC SERVICE COMMISSION—LIVESTOCK DIVISION

An Act Making an appropriation for salaries and expenses of the Livestock Division (Dealers).

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Livestock Dealers Fund, in the State Treasury, the sum of $11,165.00, or so much thereof as may be necessary for salaries and expenses of the Livestock Dealers Division as provided for in Sections 36-0401 to 36-0421, both inclusive, of North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Clerkhire	$ 7,080.00
Postage, Supplies, Printing, Furniture & Fixtures	650.00
Miscellaneous	150.00
Travel Expense	3,000.00
Workmen's Compensation	35.00
Refunds	250.00
Total	$ 11,165.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of North Dakota Revised Code of 1943.

Approved March 12, 1945.

CHAPTER 100

H. B. No. 13
Introduced by Committee on Appropriations

PUBLIC SERVICE COMMISSION—PUBLIC UTILITY DIVISION

An Act Making an appropriation for services and expenses for the Public Utility Division.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $40,000.00, or so much thereof as may be necessary into the "Public Utility Valuation Fund" for the payment of the services and expenses incurred by the Public Utility Division of the Public Service Commission for the valuation of public Utility property and regulation of rates as provided for by law for the biennium beginning July 1, 1945, and ending June 30th, 1947, to-wit:

Services and expenses	$ 40,000.00
Total	$ 40,000.00

Approved March 14, 1945.

CHAPTER 101

H. B. No. 28
Introduced by Committee on Appropriations

PUBLIC WELFARE—AID TO DEPENDENT CHILDREN, NEEDY BLIND, CHILD WELFARE AND CRIPPLED CHILDREN

An Act Making an appropriation for the biennium beginning July 1st, 1945, and ending June 30th, 1947, for disbursement by the Public Welfare Board in providing public assistance to the dependent children and to needy blind and providing child welfare services and services to crippled children and for necessary costs of administration.

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

§ 1. APPROPRIATION.] There is hereby appropriated for the biennium beginning July 1st, 1945, and ending June 30th, 1947, out of any moneys in the State Treasury, not otherwise appropriated, the sum of $1,266,120.00, or so much thereof as may be necessary, to be expended by the Public Welfare Board in providing public assistance for the dependent children and for needy blind as provided by Sections 50-0901 to 50-0924, both inclusive, of North Dakota Revised Code of 1943 and Sections 50-0801 to 50-0830, both inclusive, of North Dakota Revised Code of 1943, and for child welfare services and services to crippled children as provided by Sections 50-0601 to 50-0614, both inclusive, of North Dakota Revised Code of 1943 and Sections 50-1001 to 50-1009, both inclusive, of North Dakota Revised Code of 1943 in carrying out and effectuating such programs in coordination with and supplementary to funds made available for like purposes in North Dakota by the Federal Govern-

ment, and in payment of the costs of administration of each of these programs.

§ 2. AID TO DEPENDENT CHILDREN.] Of the amount so appropriated, the sum of $1,077,000.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing aid to dependent children as provided by Sections 50-0901 to 50-0924, both inclusive, of North Dakota Revised Code of 1943.

§ 3. AID TO NEEDY BLIND.] Of the amount so appropriated, the sum of $62,605.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing aid to the needy blind as provided by Sections 50-0801 to 50-0830, both inclusive, of North Dakota Revised Code of 1943.

§ 4. CHILD WELFARE SERVICES.] Of the amount so appropriated, the sum of $43,375.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing for child welfare services as provided by Sections 50-0601 to 50-0614, both inclusive, of North Dakota Revised Code of 1943.

§ 5. SERVICES TO CRIPPLED CHILDREN.] Of the amount so appropriated, the sum of $83,140.00, or so much thereof as may be necessary, may be disbursed for the purpose of providing services to crippled children as provided by Sections 50-0601 to 50-0614, both inclusive, of North Dakota Revised Code of 1943 and Sections 50-1001 to 50-1009, both inclusive, of North Dakota Revised Code of 1943.

§ 6. ADMINISTRATION.] Of the total sum of $1,266,120.00, hereby appropriated to provide for the four programs above named, the sum of $73,705.00, or so much thereof as may be necessary for efficient administration, may be used by the Public Welfare Board for the costs of administration of such four programs, as herein itemized, viz:

Salaries	$ 51,440.00
Travel	6,275.00
Telephone and Telegraph	830.00
Postage	2,290.00
Printing	2,950.00
Office Supplies	1,450.00
Rental of Equipment	295.00
Repair & Maintenance of Equipment	475.00
Purchase of Equipment	650.00
Other Operating Expense	600.00
Board Member Expense	2,000.00
Merit System Expense	4,450.00
Total	$ 73,705.00

Approved March 14, 1945.

CHAPTER 102

H. B. No. 27
Introduced by Committee on Appropriations

PUBLIC WELFARE—GENERAL ASSISTANCE

An Act Making an appropriation for relief to destitute and necessitous persons for the biennium beginning July 1st, 1945, and ending June 30th, 1947, defining the powers and duties of the Public Welfare Board in relation thereto, and in providing for allocation of funds to counties for relief purposes and for other specified relief expenditures and costs of administration.

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

§ 1. APPROPRIATION.] There is hereby appropriated for the biennium beginning July 1st, 1945, and ending June 30th, 1947, out of any moneys in the State Treasury, not otherwise appropriated, the sum of $350,000.00, or so much thereof as may be necessary for the purpose of carrying out and effectuating the purposes of this Act.

§ 2. PURPOSES.] Disbursements under this Act are made for the purpose of relieving the distress of destitute and necessitous persons and their families and dependents by furnishing them with means of support compatible with decency and health, and also in carrying out the provisions of Sections 50-0601 to 50-0614, both inclusive, of North Dakota Revised Code of 1943. The Public Welfare Board is hereby authorized to make distribution from the amount herein appropriated for relief to distitute and necessitous persons among the county governments of North Dakota from month to month, after taking into consideration the number of relief cases to be cared for, the ability of each county to finance the costs of necessary relief, and other facts which, in the opinion of the Public Welfare Board, should be taken into account in order to do justice and equity among the counties, also to pay for institutional care for indigent unmarried mothers and for the care of transients having state but not county residence.

§ 3. ADMINISTRATION.] Of the sum of $350,000.00 hereby appropriated, the sum of $47,700.00, or so much thereof as may be necessary, may be used by the Public Welfare Board for the costs of administration which shall include the cost of supervision of the referral, certification, and selection of persons to the Farm Security Administration and National Youth Administration which are now, except for referral, certification and selection, entirely financed by Federal funds; and in the supervision or any other relief program which may hereafter be devised by the Federal Government and which may be entirely financed by Federal funds; as herein itemized, viz:

Personal Services	$ 34,000.00
Travel	5,500.00
Telephone & Telegraph	300.00
Postage	1,000.00
Printing	4,000.00
Office Supplies	550.00
Rental of Equipment	200.00
Repair & Maintenance of Equipment	200.00
Purchase of Equipment	200.00
Other Operating Expense	250.00
Board Member Per Diem & Expense	1,500.00
Total	$ 47,700.00

Approved March 12, 1945.

CHAPTER 103

H. B. No. 29
Introduced by Committee on Appropriations

PUBLIC WELFARE—OLD AGE ASSISTANCE

An Act Making an appropriation for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to be expended by the Public Welfare Board in providing assistance to the needy aged and for necessary costs of administration.

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

§ 1. APPROPRIATION.] There is hereby appropriated, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, out of any moneys in the State Treasury not otherwise appropriated, the sum of $3,600,000.00, or so much thereof as may be necessary to be expended by the Public Welfare Board in providing assistance for the needy aged as provided by Sections 50-0701 to 50-0740, both inclusive, of North Dakota Revised Code of 1943.

§ 2. ADMINISTRATION.] Of the $3,600,000.00 hereby appropriated, the sum of $74,725.00, or so much thereof as may be necessary for administration, may be used by the Public Welfare Board for the cost of administration of the Old Age Assistance Act as herein itemized, viz:

Personal Services	$ 50,000.00
Travel	5,650.00
Telephone & Telegraph	450.00
Postage	4,950.00

Printing	3,500.00
Office Supplies	1,300.00
Rental of Equipment	350.00
Repair & Maintenance of Equipment	500.00
Purchase of Equipment	500.00
Other Operating Expense	375.00
Board Member Per Diem & Expense	2,000.00
Merit System Expense	5,150.00
Total	$ 74,725.00

Approved March 12, 1945.

CHAPTER 104

S. B. No. 101
Introduced by Senators Kehoe and Streibel

ESCHEATED ESTATE REFUND

An Act Making an Appropriation for the Repayment of Certain Monies heretofore escheated to the State of North Dakota and Paid into the General Fund of the State, and Declaring an Emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of $300 for the repayment, without interest, of monies heretofore paid into the State Treasury belonging to one Merrill Vincint Lee, now known as Frank Stanley Jasmanka, and which of right would have been paid to the same Frank Stanley Jasmanka had his whereabouts been known at the time of the probate of the estate of L. M. Erickson, deceased.

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

Approved March 13, 1945.

CHAPTER 105

H. B. No. 51
Introduced by Drovdal and Anderson

REFUND TO MCKENZIE COUNTY

An Act Making an appropriation to reimburse McKenzie County in the sum of Six Thousand One Hundred Seventy-One Dollars and Fifty-Six Cents ($6171.56), which sum was erroneously and inadvertently remitted to the State of North Dakota, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of Six Thousand One Hundred Seventy-one Dollars and Fifty-six cents ($6171.56), or so much thereof as may be necessary, out of any monies now in the State Treasury, not otherwise appropriated, to reimburse McKenzie County, North Dakota, for monies inadvertently remitted to the State by the officers of McKenzie County, which monies were and are, in fact, monies belonging to said McKenzie County and cities, villages, school districts and townships therein; and that said sum shall be paid to said McKenzie County upon presentation of duly verified vouchers presented to the State Auditor.

§ 2. 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 February 20, 1945.

CHAPTER 106

S. B. No. 39
Introduced by Senators Page & Bridston

REFUNDS, STATE FIRE & TORNADO FUND

An Act Making an appropriation for the return of assessments to state institutions, state departments, state industries, and political subdivisions for assessments paid by them to the State Fire and Tornado Fund contrary to the provisions of Sections 26-2401 to 26-2421, inclusive, of the North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the Fire and Tornado Fund in the State Treasury, not otherwise appropriated, the sum of One Thousand Six Hundred

Nineteen Dollars and Twenty-five Cents ($1,619.25), or so much thereof as may be necessary, for the payment to state institutions, state departments, state industries, and to political subdivisions of the state for assessments paid by them to the State Fire and Tornado Fund contrary to the provisions of Sections 26-2401 to 26-2421, inclusive, of the North Dakota Revised Code of 1943.

§ 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.

Approved March 10, 1945.

CHAPTER 107

S. B. No. 7
Introduced by Committee on Appropriations

REGISTRAR OF MOTOR VEHICLES

An Act Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Department of the Registrar of Motor Vehicles.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Motor Registration Fund, not otherwise appropriated, the sum of $177,712.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the Department of the Registrar of Motor Vehicles for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary	$ 6,000.00
Clerkhire	94,212.00
Postage, Supplies, Printing, Furniture & Fixtures	35,000.00
Miscellaneous	4,500.00
Travel Expense	2,000.00
License Plates	30,000.00
Refunds	3,000.00
State Board of Auditor's Fund	3,000.00
Total	$177,712.00

Approved February 20, 1945.

CHAPTER 108

H. B. No. 153
Introduced by Representative Johnson of Cass

SALARY APPROPRIATIONS

An Act Re-enacting the standing appropriation for the salary of the Assistant Attorney General acting as the attorney for the Board of University and School Lands and the appropriation for the salary of the commissioner or district judge appointed by the Supreme Court to administer the affairs of closed banks in this state.

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

§ 1. There is hereby appropriated out of the general fund of the state, not otherwise appropriated, the sum of Twenty-two Hundred Dollars ($2200.00) annually for the salary of the Assistant Attorney General for the Board of University and School Lands, which shall be paid monthly as salaries of state officials are paid, upon the approval of vouchers therefor by the Attorney General.

§ 2. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of One Thousand Dollars ($1,000.00) per year, or so much thereof as may be necessary, to pay the traveling and other expenses necessarily incident to the performance of the duties of court commissioner, or of the district judge who may be designated by the Supreme Court, in the administration of the affairs of closed banks in this state.

Approved March 10, 1945.

CHAPTER 109

S. B. No. 89
Introduced by Committee on Appropriations

SALARIES GAME & FISH DEPARTMENT

An Act Making an appropriation for the purpose of paying a deficiency in the salaries of the Game and Fish Commissioner, Deputy Game and Fish Commissioner, and Chief Game Warden, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury in the Game and Fish Fund, not otherwise appropriated, the sum of $1200.00 for the purpose of pay-

ing a deficiency in the salaries of the State Game and Fish Commissioner, Deputy Game and Fish Commissioner, and Chief Game Warden for the biennium beginning July 1, 1943, and ending June 30, 1945, to-wit:

Salary Commissioner	$ 600.00
Salary Deputy Commissioner	300.00
Salary Chief Warden	300.00
Total	$ 1,200.00

§ 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.

Approved March 9, 1945.

CHAPTER 110

H. B. No. 120
Introduced by Representatives Fleck and Jennings

SALARY MOTOR VEHICLE REGISTRAR

An Act Making an appropriation for the increase of salary of the Motor Vehicle Registrar, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury in the Motor Registration Fund, not otherwise appropriated, the sum of Twelve Hundred Dollars ($1200.00), for the purpose of increasing the salary of the Registrar of Motor Vehicles for the biennium ending June 30, 1945, from the sum of $4800.00 to the sum of Six Thousand Dollars ($6,000.00).

§ 2. 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 10, 1945.

CHAPTER 111

H. B. No. 17
Introduced by Committee on Appropriations

SCHOOL FOR THE BLIND

An Act Making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School for the Blind at Bathgate, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of $28,000.00 out of the Institutional Collections and Interest and Income Fund of the institution hereafter named, and the sum of $53,060.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary, to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School for the Blind at Bathgate, North Dakota, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salaries & Wages:		
1.	Salary—Superintendent	$ 6,000.00
2.	Faculty	17,010.00
3.	Other Employees	25,900.00
Operating Expense:		
1.	Fuel (including freight)	6,300.00
2.	Light, Power, Water, Gas, Telephone, Telegraph, Postage, Freight & Express	2,400.00
3.	Insurance, Bonds, etc.	1,600.00
4.	Travel	300.00
5.	Office Supplies & Printing & Educational Supplies	1,400.00
6.	Power House Supplies	500.00
7.	Janitors' Supplies	200.00
8.	Students' Welfare	300.00
9.	Food (including Meats, etc.)	10,500.00
10.	Clothing	200.00
11.	Hospital & Medical Service	600.00
12.	Laundry Costs	400.00
13.	Farm, Garden & Grounds	1,500.00
	Total Maintenance	$ 75,110.00
Improvements & Repairs:		
1.	General	$ 3,000.00
Equipment:		
1.	General Equipment	1,900.00

Miscellaneous Items:

1.	Miscellaneous Expenses	1,050.00
	Total	$ 81,060.00

Approved February 20, 1945.

CHAPTER 112

H. B. No. 15
Introduced by Committee on Appropriations

SCHOOL FOR THE DEAF

An Act Making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the School for the Deaf at Devils Lake, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of $25,000.00 out of the Interest and Income Fund and the Institutional Collections Fund of the institution hereafter named and the sum of $347,195.97 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the School for the Deaf at Devils Lake, North Dakota for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salaries and Wages:

1.	Salary Superintendent	$ 6,600.00
2.	Other Employees	141,054.00

Operating Expense:

1.	Fuel, Light, Power and Water	20,000.00
2.	Telephone, Telegraph, Postage & Office Supplies	1,200.00
3.	Educational Supplies	5,000.00
4.	Insurance, Bonds, etc.	4,000.00
5.	Power House Supplies	1,000.00
6.	Janitors' Supplies and Laundry	4,000.00
7.	Travel	300.00
8.	Students' Welfare	1,000.00
9.	Food (including meats, etc.)	28,000.00
10.	Hospital Supplies and Medical Service	2,250.00
11.	Farm and Garden Supplies	5,000.00
12.	Auto and Bus Upkeep	1,200.00

13.	Kitchen Supplies	1,000.00
14.	Dry Goods	2,000.00
	Total Maintenance	$223,604.00

Improvements and Repairs:

1.	General Repairs	12,000.00
	NEW BUILDINGS: (To be constructed only on authorization by the Budget Board of the State of North Dakota).	
1.	Root Cellar	2,500.00
2.	Gymnasium to Complete School Building	100,000.00
3.	Remodel Power House	16,000.00

Equipment:

1.	Library and Textbooks	1,250.00
2.	Furniture	3,000.00
3.	Laundry, Power House and Trades Equipment	12,000.00
4.	Campus and Playground Equipment	600.00
5.	Farm Machinery	800.00

Miscellaneous:

1.	Land Refunds	441.97
	Total	$372,195.97

Approved February 23, 1945.

CHAPTER 113

S. B. No. 27
Introduced by Committee on Appropriations

SOIL CONSERVATION COMMITTEE

An Act Making an appropriation for the financing of the operations of the State Soil Conservation Committee or the activities of the State Soil Conservation Districts.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $20,390.00, or so much thereof as may be necessary for the purpose of financing the operations of the office of the State Soil Conservation Committee or the activities of the State Soil Conservation Districts, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Office Supplies & Postage	$ 750.00
Printing & Stationery	1,200.00
Election Expense	1,000.00
Publication Fees	1,000.00
Labor Expense	600.00
Travel Expense	15,840.00
Total	$ 20,390.00

Approved March 10, 1945.

CHAPTER 114

S. B. No. 13
Introduced by Committee on Appropriations

STATE BOARD OF AUDITORS

An Act To provide for the payment of the expenses of auditing and examining the affairs of the State industrial institutions, and the special departments and its subdivisions, of the State of North Dakota, designating and appropriating the funds from which paid; providing for the payment of said collection into the Special Fund in the State Treasury; providing for repeal of acts.

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

§ 1. In order to reimbuse the State for the expense of making the audits and examinations of industrial and business institutions of the State of North Dakota by the State Board of Auditors as provided for by Chapter 54-13 of the North Dakota Revised Code of 1943, the North Dakota Mill and Elevator Association for the State Mill and Elevator at Grand Forks, the Bank of North Dakota, including the Farm Loan Department, the State Hail Insurance Department, the Workmen's Compensation Bureau of the State of North Dakota, the Coal Mine Inspection Department, the North Dakota Teachers Insurance and Retirement Fund, the Highway Department, the Motor Vehicle Department, Drivers License Department, the Game and Fish Department and the State Laboratories, shall immediately upon the effective date of this Act pay to the State Treasurer of the State of North Dakota to the account of the State Board of Auditors and to be deposited by the State Treasurer in a special fund to be known as the "State Board of Auditors Fund" fifty per cent (50%) of each of the sums appropriated for each annual audit of each of said departments, and the remaining fifty per cent (50%) of each of the sums appropriated for each annual audit, or so much thereof as may be necessary, shall be so paid into the State Board of Auditors Fund immediately upon receipt of a statement

of the actual expense of auditing such departments or institutions. Provided, however, that the auditing fee for such service in any one year shall not exceed 50 per cent of the sum set forth for the various institutions and departments, as follows:

North Dakota Mill and Elevator Association for the State Mill and Elevator at Grand Forks	$ 10,000.00
Bank of North Dakota including Farm Loan Department	14,000.00
State Hail Insurance Department	4,000.00
Workmen's Compensation Bureau	5,000.00
Coal Mine Inspection Department	200.00
Teachers Insurance & Retirement Fund	800.00
State Highway Department	12,000.00
Motor Vehicle Department	3,000.00
Driver's License Department	1,000.00
Game & Fish Department	2,000.00
State Laboratories	1,500.00
Total	$ 53,500.00

§ 2. APPROPRIATION.] The amount herein directed to be paid by the aforesaid mentioned departments and institutions, shall be deemed and considered as appropriations of each amount thereof to the State Board of Auditors.

§ 3. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 12, 1945.

CHAPTER 115

H. B. No. 19
Introduced by Committee on Appropriations

STATE BONDING FUND

An Act Making an appropriation for the purpose of operating and maintaining the State Bonding Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the moneys in the State Bonding Fund, the sum of $24,325.00, or so much thereof as may be necessary to maintain and operate the State Bonding Fund of the State of North Dakota for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salaries	$ 12,000.00
Postage, Supplies, Printing, Furniture & Fixtures	3,350.00
Miscellaneous	750.00
Inspections	500.00
Premium Refunds	800.00
Special Ass't Attorney General	1,425.00
State Examiner's Office	5,000.00
Emergency Fund	500.00
Total	$ 24,325.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of North Dakota Revised Code of 1943.

Approved March 14, 1945.

CHAPTER 116

S. B. No. 30
Introduced by Committee on Appropriations

STATE CONTINGENCY FUND

An Act Making an appropriation to provide a State Contingency Fund to be placed at the disposal of the State Emergency Commission to be used as provided by Sections 54-1601 to 54-1604, inclusive, and 54-1606, and also Section 54-1609 of the North Dakota Revised Code of 1943.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $30,000.00, or so much thereof, as may be necessary for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to provide funds for the State Emergency Commission and which fund shall be known as the State Contingency Fund and be for the purposes authorized under Sections 54-1601 to 54-1604, inclusive, and 54-1606 and also Section 54-1609 of the North Dakota Revised Code of 1943.

Approved March 13, 1945.

CHAPTER 117

H. B. No. 85
Introduced by Representatives McInnes and Sailer

STATE DEFENSE COUNCIL

An Act Making an appropriation of Five Thousand Dollars, or so much thereof as may be necessary, to defray expenses necessary for the administration of the North Dakota State Defense Council under the provisions of Sections 37-1701 to 37-1703, both inclusive, of the North Dakota Revised Code of 1943, for the biennium ending June 30, 1947.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, for the biennium ending June 30, 1947, the sum of Five Thousand Dollars, or so much thereof as may be necessary to defray the expenses of administration of the North Dakota State Defense Council created by Sections 37-1701 to 37-1703, both inclusive, of the North Dakota Revised Code of 1943, to be paid upon vouchers approved by the Governor and audited and allowed by the State Auditing Board.

Approved March 13, 1945.

CHAPTER 118

H. B. No. 7
Introduced by Committee on Appropriations

STATE EQUALIZATION FUND

An Act Making an appropriation for the purpose of paying the administrative expenses and the state aid of the State Equalization Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the State Equalization Fund, not otherwise appropriated, the sum of $14,800.00 for administrative expenses and the sum of $5,146,600.00 for state aid of the State Equalization Fund, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

STATE EQUALIZATION FUND—ADMINISTRATION

Salary—Director	$ 5,600.00
Clerkhire	6,600.00

Postage, Supplies, Printing, Furniture & Fixtures	1,600.00
Travel Expense	1,000.00
Total	$ 14,800.00

STATE EQUALIZATION—STATE AID

Vocational Agriculture	$ 18,000.00
Vocational Home Economics	24,000.00
Occupational Information & Guide	4,000.00
Emergency Fund	500,000.00
Distribution on per Pupil	1,200,000.00
High School Tuition	2,200,000.00
Teacher-Unit Basis	1,200,000.00
Total	$5,146,600.00

Approved March 14, 1945.

CHAPTER 119

H. B. No. 18
Introduced by Committee on Appropriations

STATE FIRE AND TORNADO FUND

An Act Making an appropriation for the purpose of operating and maintaining the State Fire and Tornado Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the moneys in the State Fire and Tornado Fund, the sum of $90,800.00, or so much thereof as many be necessary to maintain and operate the State Fire and Tornado Fund of the State of North Dakota, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Manager	$ 3,600.00
Other Salaries	24,000.00
Postage, Supplies, Printing, Furniture & Fixtures	5,000.00
Miscellaneous	3,000.00
Risk Inspection	5,000.00
Refunds & Rebates—Fire	3,000.00
Refunds & Rebates—Ex-coverage	1,500.00
Rate Service	2,000.00
Ass't Attorney General	700.00
Assessment Refund	3,000.00

Adjusting Expense	10,000.00
Catastrophe Insurance on Ris s in Excess of $100,000.00	30,000.00
Total	$ 90,800.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, or North Dakota Revised Code of 1943.

Approved March 14, 1945.

CHAPTER 120

S. B. No. 25
Introduced by Committee on Appropriations

STATE GEOLOGICAL SURVEY

An Act Making an appropriation for salaries and expenses of the State Geological Survey and for cooperation of United States Geological Survey.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $15,150.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the State Geological Survey for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary	$ 7,200.00
Postage, Supplies, Printing, Furniture & Fixtures	1,400.00
Clerkhire	1,800.00
Travel Expense	4,000.00
Apparatus	500.00
Chemical Work	250.00
Total	$ 15,150.00

Approved March 10, 1945.

CHAPTER 121

H. B. No. 25
Introduced by Committee on Appropriations

STATE HAIL INSURANCE DEPARTMENT

An Act Making an appropriation for the operation and maintenance of the State Hail Insurance Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Hail Insurance Fund in the State Treasury, the sum of $259,825.00, or so much thereof as may be necessary for the operation and maintenance and expenses of the State Hail Insurance Department of the State of North Dakota for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Manager	$ 7,200.00
Salary—Ass't Attorney General	2,125.00
Clerkhire	60,000.00
Salary—Inspectors & Adjusters	30,000.00
Travel—Inspectors & Adjusters	26,000.00
Travel—Office	5,000.00
Postage, Supplies, Printing, Furniture & Fixtures	10,000.00
Listing Fees	50,000.00
Annual Audit	4,000.00
Advertising	2,000.00
Legal Publication	400.00
Legal Service	600.00
Miscellaneous	2,500.00
Emergency	60,000.00
Total	$259,825.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration pursuant to the rules and regulations provided for in Sections 48-0601 to 48-0607, both inclusive, of North Dakota Revised Code of 1943.

Approved March 14, 1945.

CHAPTER 122

S. B. No. 6
Introduced by Committee on Appropriations

STATE HIGHWAY DEPARTMENT

An Act Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the State Highway Department.

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

§ 1. APPROPRIATION FOR ADMINISTRATIVE EXPENSE.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, and accruing from the "Motor Registration Fund" as created by Section 39-0467 of the North Dakota Revised Code of 1943, the sum of $200,000.00 or so much thereof as may be necessary, for the purpose of defraying the expenses of administration and operation of the division of the State Highway Department known as the Highway Division, and in carrying out the provisions and purposes of the State Highway Department Law and cooperating with the Federal Government under the Act of Congress known as the "Federal Highway Act," for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—State Highway Commissioner	$ 10,000.00
Salary—State Highway Engineer	10,000.00
General Operating Expense	180,000.00
Total	$200,000.00

§ 2. ADDITIONAL APPROPRIATION FOR ADMINISTRATION EXPENSES.] In addition to the amount hereinbefore appropriated and in addition to the limitation set forth in Section 24-0207 of the North Dakota Revised Code of 1943, there is hereby appropriated out of said Motor Registration Fund, and the State Highway Department is hereby authorized on proper requisition to transfer, and to have transferred to the operating fund from the moneys allocated to the State Highway Department out of the Motor Vehicle Registration Fund, a sum not to exceed three per cent of the cost of construction, reconstruction, maintenance and all other work undertaken in whole or in part from Federal, County and State Funds to cover additional cost of administration of said department.

§ 3. ADDITIONAL APPROPRIATION FOR MAINTENANCE AND CONSTRUCTION.] In addition to the above amounts allowed for office and administrative expenses of said department there is hereby appropriated out of any funds available to the State Highway Department, not otherwise appropriated, such part thereof as may be necessary to ex-

pend during said biennium period for the construction, reconstruction and maintenance of public roads, including necessary expenses of labor, equipment and other costs and expenses allowed by statute and required for such construction, reconstruction and maintenance.

Approved March 13, 1945.

CHAPTER 123

S. B. No. 16
Introduced by Committee on Appropriations

STATE HISTORICAL SOCIETY

An Act Making an appropriation to the State Historical Society, for salary and general expenses and maintenance of State Parks.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $52,450.00, or so much thereof as may be necessary, for salary, clerkhire and miscellaneous expenses for the State Historical Society and for maintenance of State Parks in the sums hereinafter set forth, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

STATE HISTORICAL SOCIETY

Salary—Superintendent	$ 6,000.00
Clerkhire	16,800.00
Postage, Supplies, Printing, Furniture & Fixtures	3,200.00
Miscellaneous	600.00
Travel Expense	700.00
Museum	1,000.00
Books and Periodicals	500.00
Binding Newspapers	1,000.00
Total	$ 29,800.00

STATE PARKS COMMITTEE

Technical & Clerical Services	$ 1,000.00
Office Supplies	150.00
Miscellaneous	300.00
Travel Expense	700.00
Maintenance & Operation of North Dakota Parks & Park Camps	13,000.00
International Peace Garden	3,500.00
Development & Maintenance of Historic Sites	1,000.00

Whitestone Battlefield Maintenance	1,000.00
Purchase of Park Maintenance Equipment	2,000.00
Total	$ 22,650.00
Grand Total	$ 52,450.00

Approved March 12, 1945.

CHAPTER 124

H. B. No. 23
Introduced by Committee on Appropriations

STATE HOSPITAL FOR THE INSANE

An Act Making an appropriation for the general maintenance, improvements and repairs, new building and equipment of the State Hospital for the Insane at Jamestown, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of $1,711,804.00 out of the County Care, Institutional Collections and Interest Collection Funds of the institution hereafter named and the sum of $285,000.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new building and equipment of the State Hospital for the Insane at Jamestown, North Dakota, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salaries & Wages:		
1. Administration (Salary—Superintendent $8,000.00)	$	20,480.00
2. Assistant Physicians & Dentist		41,280.00
3. Other Employees		740,244.00
Operating Expense:		
1. Administrative Expense		30,800.00
2. Occupational Therapy		5,000.00
3. Farm, Garden, Auto & Trucks		65,000.00
4. Physical Plant, Repairs, Supplies, Improvements & Repairs		219,000.00
5. Clothing & Footwear		65,000.00
6. Foods		400,000.00
7. Household, Kitchen Supplies, etc.		29,000.00
8. Laundry & Janitors' Supplies, etc.		36,000.00

9.	Hospital, Medical, Surgical, Supplies, etc.	35,000.00
10.	Insurance & Bonds	15,000.00
11.	Miscellaneous Supplies, etc.	10,000.00
	Total Maintenance	$1,711,804.00
Improvements & Repairs:		
1.	Milk Pasteurizing Plant	10,000.00
2.	Addition & Alteration—Sewage Disposal Plant	65,000.00
New Buildings:		
1.	Employees' Building	200,000.00
Equipment:		
1.	Hydrotherapy Equipment	10,000.00
	Total	$1,996,804.00

Approved March 14, 1945.

CHAPTER 125

S. B. No. 1
Introduced by Committee on Appropriations

STATE INSTITUTIONS OF HIGHER LEARNING

An Act Making an appropriation for the general maintenance, improvements and repairs, equipment, miscellaneous expenses, and new buildings of the State institutions of higher learning of the State of North Dakota, and providing for offsets for Federal aid granted to said institutions and the subdivision thereof.

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

§ 1. APPROPRIATIONS FOR THE STATE INSTITUTIONS OF HIGHER LEARNING AND PROVIDING FOR OFFSETS FOR FEDERAL AID GRANTED TO SAID INSTITUTIONS AND THE SUBDIVISIONS THEREOF.] The sums hereafter named only, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose specified in the following sections of this Act, to each of the institutions hereinafter named, in the sums set forth as follows:

1.	State University	$1,135,437.00
2.	(a) Agricultural College	951,890.00
	(b) Agricultural College—Experiment Station	307,159.00
	(c) Agricultural College—Extension Division	77,164.00
3.	School of Forestry	75,923.00

4.	Ellendale Normal & Industrial School	168,935.00
5.	School of Science	168,533.00
6.	Dickinson Normal	238,781.00
7.	Mayville Normal	229,831.00
8.	Minot Normal	290,395.00
9.	Valley City Normal	376,744.00

and out of the institutional interest and income, fees and collections the following sums to each of said institutions as follows:

1.	State University	$ 335,000.00
2.	Agricultural College	450,000.00
3.	School of Forestry	27,000.00
4.	Ellendale Normal & Industrial School	55,000.00
5.	School of Science	145,000.00
6.	Dickinson Normal	39,000.00
7.	Mayville Normal	60,000.00
8.	Minot Normal	145,000.00
9.	Valley City Normal	127,000.00

and in addition thereto there is hereby appropriated to each of the institutions hereinafter named, all other incidental income, collections and fees, interest and income that such institutions may collect and receive, and such incidental income, collections and fees, interest and income shall be used by each institution for such miscellaneous purposes as may be necessary for the maintenance and operation of the institution

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.] Unless otherwise specifically stated, the appropriations herein made shall be available for the expenses to be incurred in and about the several purposes herein set out, during the fiscal period of two years, beginning July 1st, 1945, and ending June 30th, 1947.

§ 3. APPROPRIATIONS.]

STATE UNIVERSITY

1.	Educational Service:	
	a. (1) College of Engineering	$ 113,227.00
	(2) State-wide Services on Natural Resources	20,000.00
	b. College of Science, Literature & Arts	252,712.00
	c. School of Commerce	54,920.00
	d. School of Education	135,407.00
	e. School of Law	35,173.00
	f. School of Medicine	66,189.00
	g. Correspondence Study	21,848.00
	h. Summer Session	20,590.00
	i. General Educational Service	29,009.00
	Total Educational Service	$ 749,075.00

2.	Library	33,981.00
3.	Administration:	
	a. President's Salary	11,560.00
	b. Other Salaries & Maintenance	77,308.00
4.	Student Welfare, Health & Placement	11,558.00
5.	Buildings & Grounds	222,000.00
6.	Improvements & Repairs	36,650.00
7.	Equipment	43,605.00
8.	Fixed Charges	29,700.00
9.	School of Mines, Special	5,000.00
	Total	$1,220,437.00
	Less estimated income	275,000.00
	Military Programs	60,000.00
	Net Appropriation	$ 885,437.00
10.	New Buildings:	
	a. Science Building	250.000.00
	Total	$1,135,437.00

AGRICULTURAL COLLEGE

1.	Educational Service	$ 591,900.00
2.	Library	29,000.00
3.	Administration:	
	a. President's Salary	12,600.00
	b. Other Salaries & Maintenance	58,000.00
4.	Student Welfare, Health & Placement Service	14,000.00
5.	Buildings & Grounds	285,560.00
6.	Improvements & Repairs	70,000.00
7.	Equipment	43,830.00
8.	Fixed Charges	32,000.00
	Total	$1,136,890.00
	Less Estimated Income	400,000.00
	Military Programs	50,000.00
	Net Appropriation	$ 686,890.00
9.	New Buildings:	
	a. Library	200,000.00
	b. Boiler	65,000.00
	Total	$ 951,890.00

AGRICULTURAL COLLEGE—EXPERIMENT STATION

1.	Improvements & Repairs	$ 15,000.00
2.	Maintenance of Scientific Investigation	130,000.00
3.	Veterinary Science	25,000.00
4.	Fixed Charges	45,159.00
5.	Public Service	10,000.00
6.	Special Equipment	11,000.00
7.	Land	8,000.00
	Total Main Station	$ 244,159.00
8.	Branch Station:	
	a. Dickinson, Maintenance	10,000.00
	b. Edgeley, Maintenance	10,000.00
	c. Hettinger, Maintenance	12,000.00
	d. Irrigation Experiment Station, Maintenance	11,000.00
	e. Langdon, Maintenance	9,000.00
	f. Williston Dry Land Station, Maintenance	11,000.00
	Total Substations	$ 63,000.00
	Total Main & Substations	$ 307,159.00

AGRICULTURAL COLLEGE—EXTENSION DIVISION

1.	Administration	$ 1,235.00
2.	Information & Publications	6,016.00
3.	County Agents	20,414.00
4.	Home Demonstration	2,856.00
5.	4-H Club Work & Rural Young People	5,819.00
6.	Forestry	3,351.00
7.	Field Agents in Agriculture	17,607.00
8.	Field Agents in Home Economics	5,099.00
9.	Fixed Charges	4,000.00
10.	Maintenance	10,767.00
	Total	$ 77,164.00

SCHOOL OF FORESTRY

1.	Educational Service	$ 34,330.00
2.	Library	1,360.00
3.	Administration:	
	a. President's Salary	6,600.00
	b. Other Salaries & Maintenance	7,165.00
4.	Student Welfare, Health & Placement Service	385.00
5.	Buildings and Grounds	13,460.00
6.	Nursery & Greenhouse	33,415.00
7.	Improvements and Repairs	2,000.00

8.	Equipment	3,000.00
9.	Fixed Charges	1,208.00
	Total	$ 102,923.00
	Less Estimated Income	27.000.00
	Net Appropriation	$ 75,923.00

ELLENDALE NORMAL & INDUSTRIAL SCHOOL

1.	Educational Service	$ 85,872.00
2.	Library	4,835.00
3.	Administration:	
	a. President's Salary	8,320.00
	b. Other Salaries & Maintenance	11,969.00
4.	Student Welfare, Health & Placement Service	4.450.00
5.	Buildings & Grounds	36.434.00
6.	Improvements & Repairs	50,000.00
7.	Equipment	9,840.00
8.	Fixed Charges	2,215.00
9.	Equipment for Industrial Arts Building	10,000.00
	Total	$ 223,935.00
	Less Estimated Income	55,000.00
	Net Appropriation	$ 168,935.00

SCHOOL OF SCIENCE

1.	Educational Service	$ 160,000.00
2.	Library	6,000.00
3.	Administration:	
	a. President's Salary	10,800.00
	b. Other Salaries & Maintenance	10,000.00
4.	Student Welfare, Health & Placement Service	5,154.00
5.	Buildings & Grounds	59,479.00
6.	Improvements & Repairs	8,000.00
7.	Equipment	9,000.00
8.	Fixed Charges	5,100.00
9.	Remodel & Equip Barracks and Buildings	40,000.00
	Total	$ 313,533.00
	Less Estimated Income	85,000.00
	Military Programs	60,000.00
	Net Appropriation	$ 168,533.00

DICKINSON NORMAL

1.	Educational Service	$ 154,000.00
2.	Library	9,870.00
3.	Administration:	
	a. President's Salary	$ 8,700.00
	b. Other Salaries & Maintenance	18,733.00
4.	Student Welfare, Health & Placement Service	2,413.00
5.	Buildings & Grounds	63,250.00
6.	Improvements & Repairs	9,100.00
7.	Equipment	9,200.00
8.	Fixed Charges	2,515.00
	Total	277,781.00
	Less Estimated Income	29,000.00
	Military Program	10,000.00
	Net Appropriation	$ 238,781.00

MAYVILLE NORMAL

1.	Educational Service	$ 130,030.00
2.	Library	10,406.00
3.	Administration:	
	a. President's Salary	7,600.00
	b. Other Salaries & Maintenance	17,775.00
4.	Student Welfare, Health & Placement Service	4,774.00
5.	Buildings and Grounds	55,871.00
6.	Improvements & Repairs	14,200.00
7.	Equipment	10,000.00
8.	Fixed Charges	4,175.00
	Total	254,831.00
	Less Estimated Income	60,000.00
	Net Appropriation	194,831.00
9.	New Buildings:	
	a. Boiler & Power House Improvements	35,000.00
	Total	$ 229,831.00

MINOT NORMAL

1.	Educational Service	$ 249,724.00
2.	Library	18,209.00
3.	Administration:	
	a. President's Salary	8,920.00
	b. Other Salaries & Maintenance	20,664.00

4.	Student Welfare, Health & Placement Service	2,378.00
5.	Buildings & Grounds	90,000.00
6.	Improvements & Repairs	20,000.00
7.	Equipment	20,000.00
8.	Fixed Charges	5,500.00
	Total	435,395.00
	Less Estimated Income	85,000.00
	Military Programs	60,000.00
	Net Appropriation	$ 290,395.00

VALLEY CITY NORMAL

1.	Educational Service	$ 246,393,00
2.	Library	13,957.00
3.	Administration:	
	a. President's Salary	8,000.00
	b. Other Salaries & Maintenance	25,635.00
4.	Student Welfare, Health & Placement Service	7,884.00
5.	Buildings & Grounds	100,000.00
6.	Improvements & Repairs	50,000.00
7.	Equipment	15,000.00
8.	Fixed Charges	4,875.00
9.	Replacement Power Plant	32,000.00
	Total	503,744.00
	Less Estimated Income	95,000.00
	Military Program	32,000.00
	Net Appropriation	$ 376,744.00

§ 4. INTENT, REPEAL, PURPOSE AND CONSTRUCTION.] All acts and parts of acts that may be in conflict herewith are hereby repealed and if for any reason or cause any specific appropriation for any item or set of items should be held by the court or courts, to be unconstitutional or illegal or otherwise unavailable for any cause, such holdings shall not affect or be construed to apply to the remaining items of appropriation herein or purposes provided herein.

Approved March 14, 1945.

CHAPTER 126

S. B. No. 28
Introduced by Committee on Appropriations

STATE LABORATORIES

An Act Making an appropriation for salaries, operation, maintenance, general and miscellaneous expenses for the State Laboratories Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $265,020.60, or so much thereof as may be necessary to pay salaries, operation, maintenance, general and miscellaneous expenses for the State Laboratories Department, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Director	$ 6,000.00
Salary—Food Commissioner & Chemist	7,200.00
Clerkhire	172,800.00
Postage, Supplies, Printing, Furniture & Fixtures	22,500.00
Miscellaneous	1,500.00
Travel Expense	26,000.00
Samples	3,000.00
Rent	7,200.00
Telephone & Telegraph	1,500.00
Ice, Gas & Electricity	2,000.00
Freight, Dray & Express	6,000.00
Library	800.00
Workmen's Compensation	1,000.00
Cost of Auditing	1,500.00
Refunds	800.00
Refund to Kutz Garage Overcharges Paid prior to January 1, 1939	220.60
Chemistry Tables and Installation	5,000.00
Total	$265,020.60

Approved March 10, 1945.

CHAPTER 127

H. B. No. 34
Committee on Appropriations

STATE LIBRARY COMMISSION, SPECIAL

An Act To make an appropriation for clerkhire for the State Library Commission, and declaring an emergency.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of moneys in the State Treasury, not otherwise appropriated, the sum of One Thousand Dollars ($1,000.00), or so much thereof as may be necessary, for the payment of clerkhire for the State Library Commission from January 1, 1945 to June 30, 1945.

§ 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.

Approved January 26, 1945.

CHAPTER 128

H. B. No. 31
Introduced by Committee on Appropriations

STATE MILL AND ELEVATOR

An Act Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the State of North Dakota doing business as the North Dakota Mill and Elevator Association.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury in the North Dakota Mill and Elevator Association Fund the sum of $1,575,475.00, or so much thereof as may be necessary to pay the general maintenance, repairs, salaries, operating expenses, equipment and miscellaneous items, of the North Dakota Mill and Elevator Association, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Manufacturing Expense	$ 714,950.00
Selling & Delivery Expense	195,350.00
Administration Expense	79,700.00

General Expense	133,050.00
Elevator Department	119,700.00
Feed Mill Department	177,100.00
State Local Elevator	20,625.00
Audit Fees	10,000.00
Emergency Fund	125,000.00
Total	$1,575,475.00

Approved March 12, 1945.

CHAPTER 129

S. B. No. 10
Introduced by Committee on Appropriations

STATE MISCELLANNEOUS

An Act Making an appropriation for inquest and burial of penal inmates, headstones for soldiers and sailors, actions to release insane and list of new taxable lands.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $500.00, or so much thereof as may be necessary to pay for the inquest and burial of inmates of penal institutions, erection of headstones for soldiers and sailors, action to release insane patients and list of new taxable lands, for the biennium beginning July 1st, 1945, and ending June 30th, 1947; provided that any charges against the above appropriation must have the approval of the State Auditor and the State Auditing Board.

Approved February 20, 1945.

CHAPTER 130

H. B. No. 21
Introduced by Committee on Appropriations

STATE PENITENTIARY

An Act Making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the State Penitentiary.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of $8,000.00 out of the Coffin Manufacturing Fund, the sum of $70,000.00 out of the Miscellaneous Earnings Fund, the sum of $40,000.00 out of the Institutional Collections Fund and the sum of $200,000.00 from the Twine Operating Fund, of the institution hereafter named and the sum of $501,657.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the State Penitentiary, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salaries & Wages:

1.	Salary—Warden	$ 4,000.00
2.	Faculty & Other Employees	175,207.00

Operating Expense:

1.	Fuel (including freight)	30,000.00
2.	Light, Power, Water, Gas	10,000.00
3.	Telephone, Telegraph, Postage	1,900.00
4.	Freight & Express	800.00
5.	Insurance & Bonds	10,000.00
6.	Printing & Office Supplies	600.00
7.	Travel Expense	350.00
8.	Educational Supplies	300.00
9.	Power House & Electrical Supplies	2,000.00
10.	Janitor & Laundry Supplies	7,000.00
11.	Inmates' Welfare	2,000.00
12.	Food & Kitchen Supplies	60,000.00
13.	Clothing, Bedding, Etc.	16,000.00
14.	Hospital & Medical Services	13,000.00
15.	Bertillon & Escapes	1,000.00
16.	Transportation & Clothing Allowance	6,000.00
17.	Maintenance—Autos & Trucks	4,000.00
18.	Inmates' Wages	21,000.00
19	Maintenance—Farm & Shops	16,500.00
20.	Miscellaneous Supplies	300.00
	Total Maintenance & Salaries	381,957.00

Improvements & Repairs:

1.	General	7,000.00
2.	Sewer, Plumbing & Water System, Well & Water Tower	20,000.00

New Buildings:

	Administration Building ($100,000.00 from the General Fund and $200,000.00 from the Twine Operating Fund)	300,000.00

Equipment:	
1. Kitchen & Household	2,000.00
2. Farm	2,500.00
3. Hospital	300.00
4. Shops	1,000.00
5. Office	300.00
6. Fire Hose	500.00
7. Arsenal	300.00
8. Trucks	2,000.00
9. Automobile Trades	1,500.00
Miscellaneous Items:	
1. Rent of Land	1,500.00
Total Penitentiary Proper	420,857.00
STATE PAROLE OFFICER:	
1. Salary & Travel Expense	6,000.00
STATE BUREAU OF CRIMINAL IDENTIFICATION:	
1. Officer in Charge	4,800.00
2. Fingerprint Expert	3,600.00
3. Travel Expense	3,000.00
4. Workmen's Compensation	175.00
5. Radio Service & Special Bulletins	2,050.00
6. Telephone & Telegraph	600.00
7. Equipment & Supplies	375.00
8. Postage & Printing	200.00
TAG & SIGN PLANT	70,000.00
COFFIN FACTORY	8,000.00
Total	$819,657.00

Approved March 13, 1945.

CHAPTER 131

H. B. No. 22
Introduced by Committee on Appropriations

STATE TRAINING SCHOOL

An Act Making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the State Training School, Mandan, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of $32,500.00 out of the Interest, Income and Institutional Collections Funds of the institution hereafter named and the sum of $471,605.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the State Training School, Mandan, North Dakota, for the biennium beginning July 1st, 1945 and ending June 30th, 1947, to-wit:

Salaries & Wages:		
1.	Salary—Superintendent	$ 7,200.00
2.	Other Employees	140,705.00
Operating Expense:		
1.	Fuel, Light, Power, Water & Gas	25,000.00
2.	Telephone, Telegraph, Postage, Freight, Express, Travel & Parole Expense	8,700.00
3.	Printing & Office Supplies	1,300.00
4.	Educational Supplies	3,000.00
5.	Power House, Janitor & Laundry Supplies	10,000.00
6.	Students' Welfare & Students' Wage	5,600.00
7.	Food (including Meats, Household Supplies, etc.)	58,000.00
8.	Clothing	22,000.00
9.	Hospital & Medical Service	13,000.00
10.	Farm & Garden Maintenance	15,000.00
11.	Grounds	800.00
12.	Carpenter Shop, Gasoline, Auto-Truck Expense	6,000.00
13.	Insurance, Bonds, inc. State Fire & Tornado Fund	7,000.00
	Total Maintenance	$323,305.00
Improvements & Repairs:		
1.	Repairs for Maple Cottage	2,000.00
2.	Build & Equip Dyke	1,200.00
3.	General Repairs on Buildings	4,500.00
4.	New Water Main & Hydrants Installation	7,000.00
5.	Replace two Stokers	6,000.00

6.	Reflue Boilers	2,000.00
7.	Painting & Decorating	1,500.00
8.	Chicken House	1,000.00
9.	Milk House	1,050.00
10.	Trades School Extension	8,000.00
11.	Repairs for Main Building & Brown Cottage	2,000.00
New Buildings:		
1.	Storeroom & Refrigerating Unit	15,000.00
2.	Dormitories	103,000.00
Equipment:		
1.	Trades School (including operation)	8,000.00
2.	Milk House Equipment & Pasteurizer	1,850.00
3.	Farm Equipment	2,500.00
4.	Grain Bins	1,000.00
5.	Carpenter & Plumbing Shop	2,200.00
6.	Library	700.00
7.	Household	3,500.00
8.	School & Office Equipment	2,400.00
9.	Tools	1,000.00
Miscellaneous:		
1.	Burial Expense & Rewards	600.00
2.	Land Rental	2,000.00
3.	Fencing	800.00
	Total	$504,105.00

Approved March 13, 1945.

CHAPTER 132

H. B. No. 20
Introduced by Committee on Appropriations

STATE TUBERCULOSIS SANATORIUM

An Act Making an appropriation for the general maintenance, improvements and repairs, new buildings and equipment for the Tuberculosis Sanatorium at San Haven, North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum of $200,000.00 out of the County Care and Institutional Collections funds of the institution hereafter named and the sum of $546,750.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary for paying the general maintenance, im-

provements and repairs, new buildings and equipment of the Tuberculosis Sanatorium at San Haven, North Dakota, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salaries & Wages:		
1.	Salary—Superintendent	$ 9,600.00
2.	Other Employees	355,000.00
Operating Expense:		
1.	Fuel (including freight)	46,000.00
2.	Auto & Truck Mtce.	3,500.00
3.	Telephone, Telegraph, Postage, Feight & Express	5,500.00
4.	Insurance, Bonds, etc.	7,500.00
5.	Travel	700.00
6.	Office Supplies & Printing	2,100.00
7.	Miscellaneous	500.00
8.	Power House Supplies	9,000.00
9.	Janitors' Supplies	8,500.00
10.	Patients' Welfare	2,400.00
11.	Food (including meats, etc.)	175,000.00
12.	Clothing, Bedding, Linen, etc.	10,000.00
13.	Hospital & Medical Service	30,000.00
14.	Farm, Dairy & Poultry Mtce.	15,000.00
15.	Garden, Greenhouse & Grounds	750.00
16.	Laundry, Water Softening Supplies	7,000.00
17.	Dishes, Crockery & Utensils	3,500.00
18.	Refunds	700.00
	Total	$692,250.00
Improvements & Repairs:		
1.	General Improvements & Repairs	7,000.00
2.	Remodel Old Administration Bldg.	15,000.00
3.	Chicken Coop Extension	1,000.00
New Buildings:		
1.	Duplex Cottage for Doctors & Families	15,000.00
2.	New Milk House, Steam Line & Cooler	3,100.00
Equipment:		
1.	Hospital	1,200.00
2.	Farm	500.00
3.	Furniture, Rugs, Replacements, etc.	3,000.00
4.	Office Equipment	500.00
5.	Dietary Equipment	2,000.00
6.	Coal Handling Equip. for Power House	4,500.00
7.	Truck Exchange	1,700.00
	Total	$746,750.00

Approved March 14, 1945.

CHAPTER 133

S. B. No. 3
Introduced by Committee on Appropriations

STATE WATER CONSERVATION COMMISSION—PROJECTS

An Act Making an appropriation to the State Water Conservation Commission for the preparation of water conservation and irrigation projects for post-war construction and development.

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

§ 1. APPROPRIATION.] There is hereby appropriated to the State Water Conservation Commission out of any moneys in the State Treasury, not otherwise appropriated, the sum of $175,000.00, or so much thereof as may be necessary, to the credit of an Administrative Fund specifically and exclusively for post-war projects for the purpose of cooperating with the Bureau of Reclamation, the Corps of United States Army Engineers, the Soil Conservation Service, and any other federal agency, in planning the development of water resources of this State for the beneficial use thereof, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

For cooperating with Bureau of Reclamation or Army Engineers, to be expended only when matched in equal amounts by Federal Funds, and under the direction of the Bureau of Reclamation, Army Engineers or other United States agencies	$100,000.00
For investigations, surveys and preparatory work on projects other than those approved by the Bureau of Reclamation, which may be matched either in whole or in part by State or Federal agencies	75,000.00
Total	$175,000.00

Approved March 12, 1945.

CHAPTER 134

H. B. No. 2
Introduced by Committee on Appropriations

STATE TREASURER—LIQUOR CONTROL ACT

An Act Making an appropriation for administration and expenses for the Liquor Control Act.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Liquir Control Fund in the State Treasury, the sum of $32.057.00, or so much thereof as may be necessary for the administration and general expenses for regulation and control of the Liquor Control Act. as provided for in Sections 5-0319 to 5-0321, both inclusive, of North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945 and ending June 30th, 1947, to-wit:

Clerkhire	$ 11.907.00
Postage, Supplies, Printing, Furniture & Fixtures	900.00
Miscellaneous	400.00
Travel Expense	2,500.00
Liquor Stamps	16,000.00
Mtce. of Office Machines	350.00
Total	$ 32,057.00

§ 2. Appropriation herein provided insofar as it is used for postage may be expended only on the direction of the Board of Administration, pursuant to the rules and regulations provided for in Sections 48-0681 to 48-0687, both inclusive, of North Dakota Revised Code of 1943.

Approved March 12, 1945.

CHAPTER 135

S. B. No. 12
Introduced by Committee on Appropriations

TEACHERS INSURANCE AND RETIREMENT FUND

An Act Making an appropriation out of the Teachers Insurance and Retirement Fund in the State Treasury for operation and maintenance, equipment, supplies, travel and miscellaneous expenses for the Teachers Insurance and Retirement Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the Teachers Insurance and Retirement Fund in the State Treasury, not otherwise appropriated, the sum of $27,635.00, or so much thereof as is necessary for the purpose of operation, maintenance, equipment, supplies, travel and miscellaneous expenses of the Teachers Insurance and Retirement Fund beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Secretary	$ 4,800.00
Clerkhire	14,000.00
Postage, Supplies, Printing, Furniture & Fixtures	6,000.00
Miscellaneous	1,000.00
Travel Expense	900.00
Freight & Express	35.00
Telegraph & Telephone	100.00
Audit	800.00
Total	$ 27,635.00

Approved March 12, 1945.

CHAPTER 136

H. B. No. 30
Introduced by Committee on Appropriations

TWINE AND CORDAGE PLANT

An Act Making an appropriation for the general maintenance and operation of the North Dakota Twine and Cordage Plant at the State Penitentiary.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury in the Twine Plant Operating Fund, the sum of $1,779,370.00, or so much thereof as may be necessary to

pay the general maintenance, improvements, repairs, salaries, operating expenses, equipment and miscellaneous items of the North Dakota Twine and Cordage Plant, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salaries & Wages:		
1.	Salary—Manager	$ 3,000.00
2.	Foremen, Office, Salesmen & Allowance Board and Room	82,120.00
Operating Expense:		
1.	Unmanufactured Hemp	950,000.00
2.	Stores	110,000.00
3.	Maintenance, Repairs, Supplies	11,000.00
4.	Inmates' Labor	21,000.00
5.	Fuel, Light, Water	15,000.00
6.	Unearned Insurance	17,000.00
7.	Officers', Inmates' Maintenance	50,000.00
8.	Miscellaneous Manufacturing Expense	100.00
9.	Miscellaneous Office Expense	100.00
10.	Telephone, Telegraph, Postage	600.00
11.	Stationery, Office Supplies	450.00
12.	Freight Expense	200.00
13.	Miscellaneous Selling Expense	400.00
14.	Advertising	500.00
15.	Travel Expense	3,400.00
16.	Truck Expense	600.00
17.	Commissions	10,000.00
18.	Emergency Fund	150,000.00
	Total Maintenance	$1,425,470.00
Improvements & Repairs:		
1.	Buildings	2,500.00
Equipment:		
1.	Machinery & Equipment	12,000.00
2.	Office Furniture & Fixtures	400.00
Miscellaneous:		
1.	Twine & Rope Returns & Allowances	6,000.00
2.	Quantity Discounts	1,000.00
3.	Interest Expense	20,000.00
4.	Sales Tax	2,000.00
5.	Prepaid Freight	5,000.00
6.	Bank Loans	300,000.00
7.	Accounts Payable	5,000.00
	Total	$1,779,370.00

Approved March 12, 1945.

CHAPTER 137

S. B. No. 36
Introduced by Senators Brant, Day, Foss and Rue

VETERANS' EMERGENCY FUND

An Act Appropriating $2400 for the Veterans' Emergency Fund, re-appropriating any unused funds previously appropriated for said fund, providing for the use of such fund by the Veterans' Service Commissioner, the manner of its disbursement, and declaring an emergency.

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

§ 1. There is hereby created and established a fund to be known as the Veteran's Emergency Fund to be kept by the State Treasurer and there is hereby appropriated from any moneys in the State Treasury not otherwise appropriated the sum of $2400.00 for such Fund for the biennium commencing July 1, 1945, and ending June 30th, 1947, to be used and disbursed as provided in this Act.

§ 2. Any unused portion in said Fund pursuant to the appropriation provided by Chapter 270 of the 1943 Session Laws shall be and is hereby re-appropriated for the purposes therein expressed for the period beginning on the effective date of this act and ending June 30, 1947.

§ 3. Such fund shall be disbursed and drawn on by the Veterans' Service Commissioner of North Dakota for emergency aid and relief of veterans of the armed forces of the United States in such cases and for such purposes as to such Veterans' Service Commissioner shall seem proper.

§ 4. The Veterans' Service Commissioner may at any time draw an advance of money from such Fund on a voucher sworn to by him that such money is necessary for such purpose, and when approved by the State Auditing Board the State Treasurer shall disburse the sum called for by said voucher, but not to exceed the sum of $300.00 at any time on any one voucher, to the Veterans' Service Commissioner. Every voucher submitted, after the first one drawn under this act, shall be accompanied by a certified, itemized statement of such Commissioner showing the manner of the use of any funds theretofore advanced to him under this Act, and further certifying that there remains on hand in his hands a balance of such advancements previously made of not more than fifty dollars and that further funds are or will be necessary.

§ 5. 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 9, 1945.

CHAPTER 138

S. B. No. 32
Introduced by Senators Day, Raschko, and Work

VETERANS POST WAR REHABILITATION RESERVE FUND

An Act Transferring to the Veterans Post-War Rehabilitation Reserve Fund the sum of Five Hundred Thousand Dollars ($500,000.00) on July 1, 1945, and a like sum on July 1, 1946.

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

§ 1. The sum of Five Hundred Thousand Dollars ($500.000.-00) shall be transferred to the Veterans Post-War Rehabilitation Reserve Fund on July 1, 1945 from any monies not otherwise appropriated, and a like sum shall be transferred to said fund on July 1, 1946.

§ 2. The funds shall be expended as directed and appropriated by the Legislature for the sole purpose of financing in whole or in part, the cost of a State Post-War Rehabilitation program, for the benefit of veterans of the present war, at such time and under such conditions as the Legislature shall, by other laws prescribe.

§ 3. The funds shall be kept separate and apart from other funds. The State Treasurer, subject to the approval of the Industrial Commission, shall be authorized to invest all or any part of the fund in such securities as are legal for the investment of State funds, including bonds and other securities of the United States, and the income which shall accrue to the fund.

Approved March 12, 1945.

CHAPTER 139

S. B. No. 23
Introduced by Committee on Appropriations

VETERINARY MEDICAL EXAMINERS

An Act Making an appropriation to pay the expenses of the State Board of Veterinary Medical Examiners as authorized under Chapter 36-02 of the North Dakota Revised Code of 1943.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, the

sum of $695.00, or so much thereof as may be necessary to pay salary, clerkhire, travel and miscellaneous expenses of the State Board of Veterinary Medical Examiners as authorized under Chapter 36-02 of the North Dakota Revised Code of 1943, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary	$240.00
Clerkhire	20.00
Postage, Supplies & Printing	55.00
Travel Expense	380.00
Total	$695.00

Approved March 13, 1945.

CHAPTER 140

S. B. No. 2
Introduced by Committee on Appropriations

WATER COMMISSION, ADMINISTRATION

An Act Making an appropriation into the "Administrative Fund" for the State Water Conservation Commission for general administration expenses, maintenance of existing dams and drainage channels, construction of needed drainage channels, planning and surveying projects, and expenses of State Compacts.

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

§ 1. APPROPRIATION.] There is hereby appropriated into the "Administrative Fund" of State Water Conservation Commission out of any moneys in the State Treasury, not otherwise appropriated, the sum of $399,500.00, or so much thereof as may be necessary for the payment of all general administration expenses of said commission, compensation of state engineer and expenses of all of its employees, for partial guarantee of construction bonds, maintenance of existing dams, administrative expenses of state compacts and for the payment of costs of planning, surveying and preparing water conservation and irrigation projects for construction, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Commissioners—Per Diem & Expenses	$ 4,000.00
Administration	25,000.00
Maintenance of Dams	45,000.00
Tri-State Waters	5,500.00
International & Interstate—Commissioners' Expenses	5,000.00

Topography 7 Conservation, cooperation with United States Geological Survey	30,000.00
Hydrographic Survey, cooperation with United States Geological Survey	15,000.00
Salary—State Engineer	5,000.00
Assistance on Reconstruction of Drains or Irrigation	240,000.00
Engineering and Geological Surveys and Demonstrations	25,000.00
Total	$399,500.00

Approved March 12, 1945.

CHAPTER 141

S. B. No. 15
Introduced by Committee on Appropriations

WOLF, COYOTE, FOX, BOBCAT, AND MAGPIE BOUNTY

An Act Making an appropriation for the purpose of paying a bounty on wolves, coyotes, foxes, bobcats and magpies.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of $75,000.00, or so much thereof as may be necessary for the purpose of paying the bounty on wolves, coyotes, foxes and bobcats as provided in Chapter 20-13 of the North Dakota Revised Code of 1943; and Magpies as provided in Chapter 20-14 of the North Dakota Revised Code of 1943.

Approved March 10, 1945.

CHAPTER 142

S. B. No. 24
Introduced by Committee on Appropriations

WORKMEN'S COMPENSATION BUREAU

An Act Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Workmen's Compensation Bureau.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury in the Workmen's Compensation Fund, not otherwise appropriated, the sum of $198,075.00, or so much thereof as may be necessary for the payment of salaries of the members of the Bureau, of the Secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants, and all other expenses of the Bureau authorized in the Workmen's Compensation Acts, and the premium on the bond of the State Treasurer, for the biennium beginning July 1st, 1945, and ending June 30th, 1947, to-wit:

Salary—Commissioners	$ 15,600.00
Clerkhire	100,575.00
Postage, Supplies, Printing, Furniture & Fixtures	23,800.00
Miscellaneous	6,000.00
Travel Expense	8,000.00
Automobile, Equipment & Maintenance	3,000.00
Safety Work	12,000.00
Legal Expense	15,000.00
Actuary	5,500.00
Medical Director	3,600.00
Department Audit	5,000.00
Total	$198,075.00

Approved March 10, 1945.

BANKS AND BANKING

CHAPTER 143

H. B. No. 79
Introduced by Representatives Forseth, Esterby, Bymers, Sandness and Haugen

BANKING AND CREDIT UNIONS, CONTROL ACT

An Act Amending and re-enacting Title 6, of the North Dakota revised Code of 1943, relating to banks and banking, by amending and re-enacting sections 6-0101, of the North Dakota Revised Code of 1943, relating to management and control of state department of banking and state credit union; section 6-0103, of the North Dakota Revised Code of 1943, relating to state banking board and state credit union board; section 6-0104, of the North Dakota Revised Code of 1943, relating to powers and duties of the state banking board and state credit union board; section 6-0107, of the North Dakota Revised Code of 1943, relating to records of state banking board, state examiner, and state credit union board; section 6-0601, of the North Dakota Revised Code of 1943, relating to organization of credit union; paragraph 5 of section 6-0602, of the North Dakota Revised Code of 1943, relating to manner of organization of credit union; section 6-0604, of the North Dakota Revised Code of 1943, relating to amendment of certificate or by-laws; approval by state banking board and state credit union board; section 6-0608, of the North Dakota Revised Code of 1943, relating to state credit union board to supervise credit unions, reports, examination, fee; making an appropriation; repealing all acts in conflict herewith.

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

§ 1. AMENDMENT.] That section 6-0101 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0101. MANAGEMENT AND CONTROL; STATE DEPARTMENT OF BANKING AND CREDIT UNIONS.] The state department of banking, which shall be known and designated as the banking department and shall be under the management and control of the state banking board and a chief officer designated and known as the state examiner, shall have charge of the execution of all laws relating to state banks, savings banks, trust companies, building and loan associations, mutual investment corporations, mutual savings corporations, banking institutions and other financial corporations, exclusive of the Bank of North Dakota and all credit unions, organized or doing business under the laws of this state and engaged wholly or in part in the receiving of deposits or the selling of their certificates or other evidences of indebtedness or obligations to the public. The same power granted herein to the state department of banking with reference to the cor-

porations named in this section shall be granted to the state credit union board with reference to credit unions.

§ 2. AMENDMENT.] That section 6-0103 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0103. STATE BANKING BOARD AND STATE CREDIT UNION BOARD.] The state banking board shall consist of the state examiner and two members to be appointed by the governor who each shall have had at least ten years experience in an executive capacity in the management of a state bank in the state of North Dakota, a majority of whose stock is owned by the residents of the state. The term of office of the members of such board, other than the state examiner, shall be for a period of five years, except that one of the two first appointed to such board shall serve for a term of three years and the other for a term of five years. In case of a vacancy in such board, by death, resignation, or removal of an appointed member, the vacancy shall be filled by appointment by the governor for the unexpired term. The state examiner shall be the chairman of such board and the attorney general shall be, ex officio, the attorney for such board. The chief deputy examiner shall serve as its secretary. The board shall hold regular meetings on the first Wednesday of January, April, July, and October of each year in the office of the state examiner in the state capitol at Bismarck, and shall hold special meetings at the call of the state examiner in such place as he may designate within the state of North Dakota. The members of such board, other than the state examiner, shall receive ten dollars per day and their actual necessary expenses for transportation while attending meetings, or in the performance of such special duties as the board may direct. In the event of travel by automobile, they shall receive not to exceed five cents per mile for such expense.

The state credit union board shall consist of the state examiner and two members to be appointed by the governor from a panel of five names of persons, residents of North Dakota, who have had at least three years experience as an officer, director or committee member of a North Dakota State Chartered Credit Union, said panel of five names to be furnished to the governor by the North Dakota Credit Union League. Of the original board members selected by the governor, after the taking effect of this act, one shall serve for a term of three years and one for a term of five years. Thereafter, on the expiration of the term of appointment of any such board member appointments shall be for a term of five years. In case of a vacancy in such board, by death, resignation, or removal of an appointed member, the vacancy shall be filled by appointment by the governor for the unexpired term. The state examiner shall be the chairman of such board and the attorney general shall be ex officio, the attorney for such board. The chief deputy examiner shall serve as

its secretary. The members of the state credit union board shall receive the same remuneration as is provided for the members of the state banking board. The state credit union board shall hold meetings on the first Wednesday of June and December of each year in the office of the state examiner in the state capitol at Bismarck and shall hold special meetings at the call of the state examiner in such place as he may designate within the state of North Dakota.

The word "board" when used in this Title shall include the state banking board and the state credit union board.

§ 3. AMENDMENT.] That section 6-0104 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0104. POWERS AND DUTIES OF THE STATE BANKING BOARD AND STATE CREDIT UNION BOARD.] The board shall have power to make such rules and regulations for the government of financial corporations mentioned in section 6-0101 as in its judgment may seem wise and expedient, but such rules and regulations shall not conflict with any law of this state or of the United States. The board shall review all reports made by the financial corporations and institutions under its jurisdiction and all reports of regular and special examinations thereof made by the state examiner, and shall approve or disapprove such reports. The board shall make and enforce such orders as, in its judgment, may be necessary or proper to protect the public and the depositors or creditors of said financial corporations and institutions.

The same powers shall be given to the state credit union board with reference to credit unions as are herein granted to the state banking board with reference to financial corporations named in this article.

§ 4. AMENDMENT.] That section 6-0107 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0107. RECORDS OF STATE BANKING BOARD, STATE EXAMINER AND STATE CREDIT UNION BOARD.] The state banking board and state credit union board shall keep a full and complete record of all their proceedings and of all orders made by them, and the records of the board and of the state examiner, and any and all reports made by or filed with the board or the state examiner relating to any financial institution, shall be open to inspection and examination by stockholders, depositors, creditors, and sureties on any bonds of any such institution or on the bonds of any officer or employee thereof, under proper restrictions and during regular business hours.

§ 5. AMENDMENT.] That section 6-0601 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0601. SAVINGS AND CREDIT ASSOCIATION MAY BE ORGANIZED.] Any seven residents of this state may apply to the state credit union board for permission to organize a corporate cooperative association to be known as a credit union.

§ 6. AMENDMENT.] That paragraph 5 of section 6-0602 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0602. MANNER OF ORGANIZATION OF CREDIT UNION.] A credit union shall be organized in the following manner:

5. The examiner shall notify the applicants and the state credit union board of his decision, and if it is favorable, the board shall instruct the secretary of state to issue a charter, which shall be by him attached to the duplicate certificate of organization and returned, together with the duplicate by-laws, to the applicants upon payment of a filing fee of five dollars to the secretary of state; and

§ 7. AMENDMENT.] That section 6-0604 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0604. AMENDMENT OF CERTIFICATE OR BY-LAWS; APPROVAL BY STATE CREDIT UNION BOARD.] The certificate of organization or by-laws of a credit union may be amended at a regular or special meeting of the members thereof. The proposed amendments must be fully set forth in the notice of the meeting at which the proposed amendments are to be submitted for action. Any amendment to the certificate of organization must be approved by a majority vote of the entire membership of the credit union, and any amendment to the by-laws must be approved by three-fourths of the members present at the meeting. No amendment to the certificate or by-laws shall become operative until approved by the state credit union board. The resolution containing the full text of any amendment to the certificate of organization, verified by the president and the treasurer of the credit union and approved by the state credit union board, shall be recorded in the office of the register of deeds of the county in which the principal place of business of the credit union is located.

§ 8. AMENDMENT.] That section 6-0608 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

6-0608. STATE CREDIT UNION BOARD TO SUPERVISE CREDIT UNIONS; REPORTS; EXAMINATIONS; FEE.] Credit unions and the permanent loan funds thereof, if any, shall be under the supervision of the state credit union board. The unions shall report to the state examiner at least once annually, upon call of the state examiner, on blanks supplied by the examiner for that purpose. Additional reports

may be required by the board or examiner. Credit unions shall be examined at least once each year by the examiner. If it is determined through any examination or otherwise that the credit union is violating the provisions of this chapter, or is insolvent, the state credit union board may serve notice on the credit union of its intention to revoke the charter. If such violations continue for a period of fifteen days after such notice, the board may revoke the charter and take possession of the business and property of such credit union, and shall maintain possession then until such time as it shall permit the reinstatement of the charter and the continuation of business by the credit union, or until its affairs finally are liquidated. The board may take similar action if any required report remains in arrears for more than fifteen days. The credit union shall pay to the state examiner for examination the same fee that now is required to be paid for such examinations by building and loan associations, except that the minimum fee for examination of a credit union shall be five dollars.

§ 9. APPROPRIATION.] There is hereby appropriated out of any money in the state Treasury not otherwise appropriated the sum of Five Hundred Dollars ($500.00) for the biennium beginning July 1, 1945 and ending June 30, 1947, or so much thereof as may be necessary to pay to the members of the state credit union board compensation and actual necessary expenses for transportation while attending meetings, or in the performance of such special duties as the board may direct.

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

Approved March 2, 1945.

CHAPTER 144

S. B. No. 168
Introduced by Senators Raschko, Bridston and Shure

LOANS AND INVESTMENTS OF FINANCIAL INSTITUTIONS

An Act Relating to loans and investments of banks, building and loan associations, insurance companies and other organizations of this state authorized to make mortgage loans and whose mortgage lending is regulated by law and insured or guaranteed in whole or part by the United States or any instrumentality thereof, or by this state or any instrumentality thereof.

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

§ 1. Without regard to any other provision of law, banks, building a d loan associations, insurance companies, and other organ-

izations of this state authorized to make mortgage loans and whose mortgage lending is regulated by law, are authorized to make or buy and sell any loan secured or unsecured, which is insured or guaranteed in any manner in part or in full by the United States or any instrumentality thereof, or by this state or any instrumentality thereof, or for which there is a commitment to so insure or guarantee, or for which a conditional guarantee has been issued, provided, however, that if such insurance or guarantee is less than twenty percent of the true normal value it must first be approved in writing by the State Examiner, and in the event of any such loan being made by a state bank in a principal amount in excess of ten percent of the capital and surplus of such bank, it must first be approved by the State Examiner.

Approved March 13, 1945.

BUILDING AND LOAN ASSOCIATIONS

CHAPTER 145

H. B. No. 220
Introduced by Representatives Hovey and Olson of Barnes

ADVANCEMENT OF FUNDS BY BUILDING AND LOAN ASSOCIATIONS

An Act To amend and re-enact Section 7-0414 and Section 7-0417 of the North Dakota Revised Code of 1943 pertaining to advances by Building and Loan Associations and repayment of the same.

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

§ 1. AMENDMENT.] Section 7-0414 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 1. 7-0414. ADVANCEMENT OF FUNDS TO PROTECT LIENS.] Any association may advance funds or make additional loans to members from time to time for maintenance, repairs, modernization and improvement of real estate on which the association owns a first mortgage lien, and for insurance premiums and taxes due and owing thereon, up to the original amount of said mortgage or five hundred dollars, whichever may be the lesser, with or without changing the terms of said mortgage, and may carry such advances or loans upon its books as assets of the association, provided the said first mortgage

by its terms reserves in the association the right to make such advances or additional loans and provided further that such advances or loans are used for the purpose stated herein. Such advances or loans shall be deemed to be merged, incorporated in and become a part of and secured by said first mortgage and the association shall have a good and valid first lien against such real estate and the pledged shares of such member to secure the payment of funds so advanced or loaned.

§ 2. AMENDMENT.] Section 7-0417 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted as follows:

§ 7-0417. REPAYMENT OF LOANS.] A share holder may repay at any time any loan made to him by an association by paying the principal due thereon less the withdrawal value of the shares transferred as security therefor, the interest accrued at the date of such repayment, and all sums advanced by the association for taxes, assessments, insurance premiums, maintenance, repairs, modernization, and improvements, with interest thereto:

1. Interest on the principal repaid for a period of three months after the day of repayment, or any such borrowing member may pay upon any such loan a sum equal to the matured value of one or more of the installment shares transferred and pledged as security therefor, upon the same proportionate terms as are provided in this section for payment in full;

2. Interest upon such principal for the whole year when so provided in the by-laws of the association, if the repayment is made at any time within one year from the date of the mortgage or other evidence of debt;

3. If any such association is in the process of voluntary liquidation, the shares of a borrowing shareholder shall be entitled to full participation in the current earnings of such association, and their value as thus determined shall be applied upon the indebtedness of such member; and

4. If any such association is in the process of involuntary liquidation, the minimum value of the shares owned by the borrowing shareholder, after allowing for all possible losses and the expenses of liquidation, may be allowed in the reduction of his indebtedness, and he shall be entitled to receive his proportionate share of any further sums that thereafter may be realized from the assets of such association. Nothing in this section shall be construed to prevent the reduction of any such association's liability to its members, in accordance with section 7-0420.

Approved March 12, 1945.

CHAPTER 146

S. B. No. 167
Introduced by Senators Bridston and Shure

BUILDING AND LOAN ASSOCIATIONS, LOANS AND INVESTMENTS

An Act To Amend and reenact subsection 10 of Section 7-0208 of the North Dakota Revised Code of 1943, relating to loans and investments of building and loan associations, and declaring an emergency.

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

§ 1. AMENDMENT.] That subsection 10 of Section 7-0208 is hereby amended and reenacted to read as follows:

7-0208, Subsection 10. To invest its idle funds in bonds and other obligations of the United States; in bonds and other obligations of foreign countries when first approved by the State Examiner; in bonds or evidences of debt of this state or any political subdivision thereof; in bonds or evidences of debt of any other state in the Union; or in bonds or evidences of debt of any county, city, or school district having a population according to the last state or federal census of ten thousand or more inhabitants, in any such other state of the Union.

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

Approved March 13, 1945.

CONTRACTS AND OBLIGATIONS

CHAPTER 147

S. B. No. 110
Introduced by Senators Brant and Olson

AUTHORIZING CERTAIN CONTRACTS WITH FEDERAL GOVERNMENT

An Act Relating to contracts of the state, its agencies, municipalities and other political sub-divisions with the Federal Government for the purchase of equipment, supplies, materials, or other property; 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. AUTHORITY TO CONTRACT WITH THE FEDERAL GOVERNMENT: DELEGATION OF AUTHORITY.] The state or any department, division, bureau, commission, board, authority, agency or political sub-division thereof, may enter into any contract with the United States of America or with any agency thereof for the purchase of any equipment, supplies, materials or other property without regard to provision of law which require:

(1) The posting of notices or public advertising for bids or of expenditures;
(2) The inviting or receiving of competitive bids;
(3) The delivery of purchases before payment;
(4) The payment of the cost of the contract out of funds theretofore included in the budget of appropriations for the year, provided, however, that the governing body or executive authority, as the case may be of any department, division, bureau, commission, board, authority, agency or political sub-division of the state may designate by appropriate resolution or order any official or employee of its own to enter a bid or bids in its behalf at any sale of any equipment, supplies, materials or other property owned by the United States of America or any agency thereof, and may authorize said person to make any down payment, or payment in full, required in connection with such bidding.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act 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 9, 1945.

CHAPTER 148

S. B. No. 152
Introduced by Senators Braun and Kehoe

DISPOSITION OF UNCLAIMED FUNDS

An Act To provide for the disposition of any unclaimed funds in the custody of any court, public officer, or administrative agency; and declaring an emergency.

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

§ 1. Any funds in the custody of any court, public officer, or administrative agency which are unclaimed by the lawful owner thereof, if any, within, six years after service of notice as hereinafter provided, shall be declared to be unclaimed funds.

§ 2. The court, public officer, or administrative agency having custody of any such funds shall cause notice to be given to the lawful owner thereof, if any. Said notice shall contain the name, last known address, and the amount held in custody for such claimant, and shall be served by registered mail upon the claimant, if known; otherwise such notice shall be published twice in the official newspaper of the county in which said funds are held in custody, except when no person is lawfully entitled thereto. The cost of the service of notice as provided for herein shall be borne ratably by the parties receiving such funds.

§ 3. Any unclaimed funds, as defined herein, which are (a) held by a public officer, or administrative agency shall be paid into the general fund of the taxing district represented by such officer or agency to be used for public purposes; or (b) held under the jurisdiction of any court shall be paid into the general fund of the state, or paid over to local taxing districts to be used for public purposes, as the court in its discretion shall direct.

§ 4. 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 2, 1945.

CONSTITUTIONAL AMENDMENTS — PROPOSED

CHAPTER 149

SENATE CONCURRENT RESOLUTION NO. 8

Introduced by State Affairs Committee

COMPENSATION LEGISLATIVE ASSEMBLY

A Concurrent Resolution Providing for the amendment of Section 45 of the Constitution of the State of North Dakota.

Be It Resolved by the Senate of the State of North Dakota, the House Concurring:

That the following proposed amendment to Section 45 of the Constitution of the State of North Dakota is agreed to and that the same be submitted to the qualified electors of the State of North Dakota for approval or rejection at the General Election of November 1946 in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota, as amended.

§ 1. AMENDMENT.] That Section 45 of the Constitution of the State of North Dakota is hereby re-enacted to read as follows:

§ 45. Each member of the legislative assembly shall receive as a compensation for his services for each session, ten dollars per day, and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly, on the most usual route.

Filed March 6, 1945.

CHAPTER 150

HOUSE CONCURRENT RESOLUTION G

Introduced by Representative Maher

OPTIONAL FORMS OF GOVERNMENT FOR COUNTIES

A Concurrent Resolution Providing for the amendment of Section 170 of the constitution of the State of North Dakota.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the following proposed amendment to Section 170 of the Constitution of the State of North Dakota is agreed to and that the same be submitted to the qualified electors of the State of North Dakota for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota as amended.

§ 1. AMENDMENT.] That Section 170 of the Constitution of North Dakota is hereby re-enacted to read as follows: The Legislative Assembly shall provide by law for optional forms of government for counties, which forms shall be, in addition to that form provided by Sections 172 and 173 of the Constitution, and which forms shall specify the number, functions and manner of selection of county officers, but no such optional form of government shall become operative in any county until submitted to the electors thereof at a special election or a general election, and approved by fifty-five per cent of those voting thereon. The manner of exercising the powers herein granted shall be by general laws, but such laws shall provide that the initiative for the submission of the question of the adoption of one of the optional forms of county government may be had either by a vote of not less than two-thirds of the county legislative body or upon petition of electors of the county equal to at least fifteen per centum of the total number of voters of the county who voted for Governor at the last general election. Among the optional forms of county government to be provided by the Legislative Assembly under this provision, at least one form shall provide for a county manager.

When the total, full and true assessed valuation of any county equals or is less than $2,500,000.00 the County Commissioners of such county must thereupon adopt one of the optional forms of county government provided by the Legislative Assembly without any election called for the purpose of adopting such optional form of government.

Approved March 16, 1945.

CHAPTER 151

SENATE CONCURRENT RESOLUTION 9

Introduced by Committee on Appropriations

TAX LEVY FOR POST WAR REHABILITATION

A Concurrent Resolution for an amendment to the Constitution of the State of North Dakota, permitting a special two-mill levy for ten consecutive years, upon all taxable property within the State of North Dakota, to be credited to the Post-War Rehabilitation Reserve Fund.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

The following amendment to the Constitution of the State of North Dakota is agreed to and shall be submitted to the qualified electors of North Dakota for approval or rejection at the Primary Election in June, 1946, in accordance with the provisions of Section 202 of the North Dakota Constitution.

§ 1. Upon the adoption of this amendment to the Constitution, the State of North Dakota shall annually, for ten consecutive years and no longer, levy, as other state taxes are levied, not to exceed two mills upon all the taxable property within the State of North Dakota, which, when collected, shall be covered into the State Treasury to the credit of the Post-War Rehabilitation Reserve Fund, to be expended as the Legislative Assembly shall direct. This special levy shall be in addition to and apart from the state levy provided for in Section 174 of the Constitution. Provided, however, that if the proceeds from the levy provided for herein shall reach Eight Million Dollars before the expiration of the ten year period provided for herein, then, and in that event, no further levies shall be made hereunder and this amendment shall become inoperative.

§ 2. This amendment shall be self executing and no legislation shall be necessary to carry out its provisions.

Approved March 16, 1945.

CORPORATIONS

CHAPTER 152

S. B. No. 84
Introduced by Senator Bridston

COOPERATIVE ASSOCIATIONS, ORGANIZATION AND PURPOSE

An Act, Amending and re-enacting Section 10-1502 of the North Dakota Revised Code of 1943 relating to cooperative associations and the purposes of organization.

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

§ 1. AMENDMENT.] That Section 10-1502 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

§ 10-1502. PURPOSES FOR WHICH COOPERATIVE ASSOCIATION MAY BE ORGANIZED; INCORPORATORS REQUIRED; HOW FORMED.] A cooperative association may be formed by fifteen or more persons for the purpose of conducting any one or more of the following lines of business: agriculture, grain elevator, dairy, mercantile, mining, manufacturing, mechanical, telephone, electric transmission and distribution, gas transmission and distribution, and the building of single unit homes and cooperative apartments. Persons desiring to form a cooperative association shall comply with the provisions of this chapter and also with the provisions of chapters 2 and 3 of this title which are not inconsistent with this chapter, except as otherwise provided herein.

Approved March 12, 1945.

CHAPTER 153

H. B. No. 160
Introduced by Representatives Smart, Fleck, Saumur and Brady

LIMITING REAL ESTATE HOLDINGS OF RELIGIOUS AND CHARITABLE ORGANIZATIONS

An Act Amending and re-enacting Section 10-0807 of the North Dakota Revised Code of 1943, relating to real estate holdings of religious and charitable organizations and exempting hospital associations organized for non-profit from provisions of section; repealing all acts and parts of acts in conflict herewith; and declaring an emergency.

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

§ 1. That Section 10-0807 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

10-0807. REAL ESTATE HOLDINGS OF RELIGIOUS AND CHARITABLE CORPORATIONS LIMITED; EXCESS PROPERTY ESCHEATS.] No Corporations or association organized for religious or charitable purposes shall acquire or hold real estate in this state of a greater value than five hundred thousand dollars. This provision shall not apply to hospital associations organized for non-profit. All real estate acquired or held contrary to the provisions of this section shall be forfeited and shall escheat to the State.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

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

Approved February 27, 1945.

CHAPTER 154

H. B. No. 187
Introduced by Representatives Schnell and Fitch

NON PROFIT MEDICAL SERVICE CORPORATIONS

An Act To Promote and Protect the Public Health and to Bring About a Wider Distribution of Medical Care in This State by Authorizing Nonprofit Medical Service Corporations to be Established for the Purpose of Putting into Effect Plans for the Benefit of Subscribers Making Specified Payments; Providing for the Supervision and Regulation of Such Medical Service Corporations by the Commissioner of Insurance; Investment of Funds and Declaring an Emergency.

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

§ 1. PURPOSE OF THE ACT.] It is the purpose and intent of the Legislative Assembly in enacting this act to promote and protect the public health; to promote a wider distribution of medical care and to maintain the standing and promote the progress of the science and art of medicine in this State. Medical service or medical care, as these terms are used in this act, shall mean the general and usual services rendered and care administered by doctors of medicine. Nothing in this act shall include hospital services.

§ 2. NONPROFIT MEDICAL SERVICE CORPORATIONS AUTHORIZED.] Corporations may be organized under the laws of this State on a strictly nonprofit basis for the purpose of establishing and putting into effect, non-profit medical service plans whereby medical service is provided by a group of participating licensed doctors of medicine, with which such corporation has contracted for such purpose, to such members of the public as become subscribers to said corporation under a contract which entitles each subscriber to certain specified medical care; such corporation shall be subject to, and governed by the provisions of this act and shall not be subject to the laws of the State relating to insurance and insurance companies, except as hereinafter specifically provided.

§ 3. MEDICAL SERVICES OF PHYSICIANS OTHER THAN THOSE PARTICIPATING UNDER MEDICAL SERVICE PLAN AUTHORIZED.] The medical service plan put into effect by any corporation organized under the provisions of this act may also provide for medical services to such subscribers by doctors of medicine other than those participating under the plan, subject to the approval of the governing body of such medical service plan corporation.

§ 4. ARTICLES OF INCORPORATION TO BE FILED WITH SECRETARY OF STATE; COPY OF ARTICLES TO BE FILED WITH INSURANCE COMMISSIONER.] Articles of Incorporation of nonprofit medical

service plan corporations organized under the provisions of this act, and all amendments thereto, shall be filed with the Secretary of State, and a certified copy thereof shall be filed with the Commissioner of Insurance. Any medical service plan corporation that has heretofore incorporated under the laws of the State of North Dakota, and which is now operating such nonprofit medical service plan in this State, may file a copy of its Articles of Incorporation, with amendments thereto, with the Commissioner of Insurance and thereupon be subject to the provisions of this act.

§ 5. BOARD OF DIRECTORS.] The Board of Directors of such medical service corporation shall consist of not less than nine members, a majority of whom shall be licensed physicians and surgeons who have contracted with such corporation to provide medical service to its subscribers.

§ 6. ANNUAL STATEMENT.] Every corporation organized under the provisions of this act shall annually on or before the first day of March, file in the office of the Commissioner of Insurance, a verified statement signed by two or more of its principal officers, showing the condition of its affairs on the 31st day of December last past, which statement shall be in such form and shall contain such information as the Commissioner of Insurance shall prescribe.

§ 7. INVESTIGATION AND EXAMINATION.] The Commissioner of Insurance or any deputy examiner, or other person designated by him for such purpose, shall have the authority to inspect and examine into the affairs of such corporation and shall have the authority and power to examine all books, papers, records, letters and documents of any kind that relate to the business of such corporation, and may subpoena and qualify witnesses under oath to examine its officers, agents, employees or any other persons having knowledge of the affairs, transactions and conditions of such corporation. In the event that any person shall fail or refuse to appear at the time and place designated in such subpoena, the Insurance Commissioner shall have the authority to apply to a judge of the District Court in and for the county in which such corporation has its principal place of business for an order citing said witness to appear before such court at such time and place as the court may direct, and said District Court is hereby given the authority and jurisdiction to cause such witness to be examined as the said court now has in the examination of witnesses in any manner pending before the said court.

§ 8. CONTRACTS WITH PHYSICIANS; BENEFITS MAY BE LIMITED.] Every doctor of medicine duly licensed and registered in the State of North Dakota, shall have the right to contract with any corporation organized and doing business under the provisions of this act for furnishing general or special medical care as the case may be. A nonprofit medical care corporation shall impose no restrictions as to the methods of diagnosis or treatment on the doctors of

medicine who treat subscribers. The private relationship of physician and patient shall be maintained at all times and the subscriber shall have the right of free choice in selecting any doctor of medicine with whom the corporation has a contract.

Such medical care corporation may, in its discretion, by its Articles of Incorporation, Articles of Association or by its by-laws, and in its contract with its subscribers, limit the benefits that such corporation will furnish, and may provide for a division of such benefits as it shall agree to furnish into classes or kinds. In the absence of any such limitations or division of services, a nonprofit medical care corporation shall be authorized to provide both general and special medical and surgical care benefits, including such services as may necessarily be incident to such medical care. A medical care corporation organized and doing business under the provisions of this act may, in its discretion, limit the issuance of contracts as specified by its by-laws.

§ 9. DISSOLUTION OR MERGER.] The dissolution, liquidation or merger of any medical care corporation organized and doing business under the provisions of this act shall be conducted under the supervision of the Commissioner of Insurance, who shall have all the authority and power with respect thereto which is granted to him under the insurance laws of this State.

§ 10. CONTRACTS, EFFECT OF.] The issuance of a contract by any corporation organized and doing business under the provisions of this act to a subscriber shall not be deemed to create the relationship of physician and patient between the corporation and such subscriber. The subscriber shall at all times have the right to select any participating physician or surgeon named in his contract, subject to the terms and conditions of such contract. No action at law or in equity arising out of the relationship of physician and patient shall be maintained against any nonprofit medical care corporation governed by this act.

§ 11. INVESTMENT OF FUNDS.] The funds of any corporation subject to the provisions of this act shall be invested only in such securities as provided by law for the investment of funds of domestic insurance companies of this State.

§ 12. MEDICAL AID FOR NEEDY PERSONS; PAYMENTS.] Every nonprofit medical care corporation organized and doing business under the provisions of this act may, in its discretion, receive and accept from various governmental agencies payments covering all or any part of the costs of subscriptions to provide medical care for needy persons. Every such corporation may, in its discretion, receive from private agencies, corporations, associations, groups or individuals payments covering all or any part of the cost of subscriptions to provide medical care for needy and other persons.

§ 13. FUNDS AND PROPERTY OF MEDICAL CARE CORPORATIONS TAX EXEMPT; LAW GOVERNING CHARITABLE ORGANIZATIONS APPLICABLE.] Every corporation subject to the provisions of this act is hereby declared to be a charitable and benevolent organization and its funds and property shall be exempt from taxation by the State or any political subdivision thereof. Except as otherwise provided in this act, the laws of this State relating to and affecting nonprofit charitable and benevolent corporations shall be applicable to all corporations created under the provisions of this act.

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

Approved February 28, 1945.

CHAPTER 155

H. B. No. 61

Introduced by Representatives Moe, Fitch, Sandness, Crockett, Levin

RENEWAL OF CORPORATE EXISTENCE AFTER EXPIRATION

An Act To amend and re-enact Section 10-0217 of the North Dakota Revised Code of 1943 relating to renewal of corporate existence after the expiration of charter and declaring an emergency.

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

§ 1. AMENDMENT.] That section 10-0217 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

10-0217. RENEWAL OF CORPORATE EXISTENCE AFTER THE EXPIRATION OF CHARTER.] Any corporation organized under the laws of this state, the charter of which has expired, may renew its corporate existence for the term of years not exceeding the period limited by law, if such corporation has continued to transact its corporate business. To effectuate such renewal, a corporation must take the same proceedings as are provided by law for the extension of the corporate existence of a corporation in cases where such extension is made before the expiration of its charter, and pay the fees provided for in section 54-0904, subsection 11. Such proceedings shall relate back to the date of expiration of the corporate charter, and when a certificate of renewal is issued by the Secretary of State, any and all corporate acts and contracts done, performed, made, or entered into after the expiration of the charter, shall be legal and

valid. The provisions of this section shall not be available to any corporation, the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction in this state, nor to any corporation against which any action or proceeding is pending in any of the courts of this state for the forfeiture of its charter, nor to any corporation the directors of which have acted as trustees under the provisions of section 10-1610.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved March 12, 1945.

COUNTIES

CHAPTER 156

S. B. No. 102
Introduced by Senator Olson of McHenry

RECEPTION BOOK COUNTY AUDITORS

An Act Repealing Section 11-1303 of the North Dakota Revised Code of 1943 relating to reception book kept by county auditors.

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

§ 1. REPEAL.] That Section 11-1303 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 17, 1945.

CHAPTER 157

H. B. No. 115
Introduced by Representatives Haugen, Bagge, Yirchott and Maher

COUNTY COMMISSIONERS, MILEAGE AND EXPENSE

An Act Authorizing county commissioners to charge and collect mileage and expenses in certain cases.

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

§ 1. COMMISSIONERS MAY COLLECT MILEAGE FOR DAILY TRAVEL BETWEEN PLACE OF RESIDENCE AND COUNTY SEAT, OR IN LIEU THEREOF CERTAIN OTHER EXPENSES.] A county commissioner may charge and receive for his expenses while attending meetings of the county commissioners according to one of the following methods:

1. If the meeting is more than one day's duration, he may charge for and collect mileage for each mile actually traveled.

2. In lieu of such mileage, he may collect and receive the necessary amount paid out for subsistence, but in no case shall such mileage or subsistence exceed the sum of two dollars per day.

Approved March 2, 1945.

CHAPTER 158

S. B. No. 204
Introduced by Senators Streibel and Page

DISPOSITION OF UNEXPENDED BALANCES COUNTY FAIR FUNDS

An Act Amending and re-enacting Section 11-2309 of the North Dakota Revised Code of 1943 relating to un-expended balances of county fairs.

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

§ 1. That Section 11-2309 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

11-2309. EXPENDITURES: BILLS APPROVED; UNEXPENDED BALANCES.] The expenditure of money by a county shall be in accordance with the annual appropriations of the board of county commissioners. All bills in connection with any public office or undertaking

shall be approved by the official or officials in charge of the office or undertaking before being allowed by the board of county commissioners. At the closing of the auditor's books on June thirtieth, the balance to the credit of each annual appropriation shall become a part of the general unappropriated balance in the county treasury. A special appropriation, however, shall not lapse until the work for which it was made has been completed, the bills paid, and the account closed, provided that the county fair fund mentioned in Section 4-0234 of the North Dakota Revised Code of 1943 shall not be affected by this section but shall be maintained as a continuing fund for the maintenance of the county fair.

Approved March 2, 1945.

CHAPTER 159

H. B. No. 259
Introduced by Representative Fitch

COUNTY OFFICERS SALARY CERTAIN COUNTIES

An Act To Amend and Re-enact Sub-section 4 of Section 11-1010 of the North Dakota Revised Code of 1943 fixing the salary of County Officers in Counties where the County Court has Increased Jurisdiction and the County has a Population Exceeding Forty Thousand; and declaring an Emergency.

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

§ 1. AMENDMENT.] That Sub-section 4 of Section 11-1010 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

4. In Counties where the County Court has increased jurisdiction and where the county has a population exceeding forty thousand the salary of the county auditor, county treasurer, sheriff, county judge, superintendent of schools, state's attorney, register of deeds and clerk of the district court shall be three thousand dollars per year.

§ 2. EMERGENCY.] Whereas an emergency is hereby declared to exist, this act shall become effective immediately upon its passage and approval.

Approved March 12, 1945.

CHAPTER 160

H. B. No. 158
Introduced by Representatives Luick, Wollitz and McInnes

COUNTY HIGHWAY ENGINEERS

An Act To permit the Board of County Commissioners of any county in North Dakota to employ highway engineers, providing for their duties and method of paying such engineers.

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

§ 1. If in the opinion of the Board of County Commissioners of any county in this state it is necessary for that county to obtain the services of a qualified highway engineer, such Board of County Commissioners is hereby authorized to enter into a contract for such employment.

§ 2. Only duly qualified civil engineers and residents of the State of North Dakota may be so employed. Such engineers shall be employed on a monthly basis or on a per diem basis and several counties may employ the same engineer.

§ 3. Such engineers shall have all the duties now provided in Section 11-2001 of the North Dakota Revised Code of 1943, and in addition thereto shall, under the direction and supervision of the Board of County Commissioners make plans for county and township highways, and shall set up a comprehensive plan of county highways under the direction of the Board of County Commissioners. Such engineer or engineers may plan such highways in co-operation with the Federal Bureau of Public Roads and/or North Dakota State Highway Department. Such engineer or engineers shall also have power to prepare plans and specifications and supervise the construction and repair of drainage ditches and any other work the Board of County Commissioners may designate for them to do.

§ 4. PAYMENT.] The Board of County Commissioners is hereby authorized to pay such engineer or engineers for the work actually performed by such engineer or engineers out of the county Road and Bridge Fund or the general funds of the county upon sworn vouchers showing the time actually expended and the contract price agreed upon and filed with the county auditor and approved by the Board of County Commissioners, as now provided by law for the filing of other claims against the counties.

Approved March 14, 1945.

CHAPTER 161

H. B. No. 136
Introduced by Representative F. J. Graham

MONTHLY REPORTS TO ATTORNEY GENERAL

An Act to Repeal Subsection 11 of Section 11-1601 of the North Dakota Revised Code of 1943, Relating to the Duties of State's Attorney.

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

§ 1. REPEAL.] That subsection 11 of section 11-1601 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 28, 1945.

EDUCATION

CHAPTER 162

H. B. No. 285
Introduced by Delayed Bills Committee

COMPENSATION, SECRETARY TEACHERS INSURANCE AND RETIREMENT FUND

An Act to amend and re-enact Section 15-3905 of the North Dakota Revised Code of 1943, relating to compensation of secretary of Teachers' Insurance and Retirement Fund.

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

§ 1. AMENDMENT.] That Section 15-3905 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

15-3905. MEMBERS OF BOARD TO RECEIVE TRAVELING EXPENSES ONLY: COMPENSATION OF SECRETARY.] The members of the board shall receive no compensation except their necessary traveling expenses incurred in attending meetings of the board, but if the board elects one of its members as secretary, he may receive compensation for services rendered as such. The secretary shall receive a salary to be fixed by the board within the limitation of any appropriation therefor by the legislative assembly. The traveling expenses of the board members, the compensation of the secretary, and any

other necessary expenses incurred by the board in carrying out the provisions of this chapter shall be paid from the fund upon the certificate of the president and secretary.

Approved March 13, 1945.

CHAPTER 163

H. B. No. 72
Introduced by Representatives Baumgartner and Welk

CONDITIONS OF SALE, SCHOOL LANDS

An At To Amend and Re-enact Sections 15-0617 and 15-0706 of the North Dakota Revised Code of 1943 Providing for Payments on Contracts for the Sale of Original Grant Lands and Payments on Contracts for the Sale of Non-grant Lands; Permitting Prepayments on such Contracts; Terms and Conditions of Sale of Non-grant Lands.

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

§ 1. AMENDMENT.] That Section 15-0617 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

§ 15-0617. PREPAYMENT ON CONTRACTS PERMITTED.] Such purchaser may, at his option, pay any or all installment or installments before the same are due on any interest paying date.

§ 2. AMENDMENT.] That Section 15-0706 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

§ 15-0706. PUBLIC SALE OF NON-GRANT LANDS; TERMS AND CONDITIONS OF SALE; CONTRACT.] Except as otherwise expressly provided in this chapter, the Board of University and School Lands shall not sell any lands at public sale under the provisions of this chapter for less than the appraised value, nor shall it accept less than one-fifth of the purchase price in cash, nor shall the time of payment be extended beyond the period of twenty years. All deferred payments and all past due interest under any contract issued upon such sale shall draw interest at a rate of not less than 3% per annum. The purchaser may pay any or all installment or installments on such contract before the same are due, on any interest paying date. The purchaser at such sale shall pay the costs and expenses thereof. The Commissioner of University and School Lands shall execute and deliver the contract of sale to the purchaser in the form prescribed by the board.

Approved February 17, 1945.

CHAPTER 164

S. B. No. 120
Introduced by Senators Feton and Nelson

DESTRUCTION OF SCHOOL PROPERTY

An Act Authorizing boards of education and school boards of the school districts in this state to offer a reward for information leading to the apprehension and conviction of any person or persons appropriating or destroying school property.

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

§ 1. The boards of education and the school boards of the school districts in this state are hereby authorized and empowered to offer and pay a reward not to exceed One Hundred Dollars ($100.00) to any person furnishing information for the apprehension and conviction of any person or persons appropriating or destroying property or equipment belonging to the school districts of this state.

Approved March 12, 1945.

CHAPTER 165

H. B. No. 123
Introduced by Committee on Education

HIGH SCHOOL TUITION TO FOREIGN STATE

An Act To amend and re-enact Section 15-4014 of the North Dakota Revised Code of 1943, relating to the amount of High School Tuition, the amount of payments, and the tuition of students attending school in a foreign school.

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

§ 1. That Section 15-4014 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

15-4014. HIGH SCHOOL TUITION: AMOUNT OF PAYMENTS; STUDENT ATTENDING SCHOOL IN FOREIGN STATE.] There shall be paid out of the fund to each school district in this state which, during the then current year, offers four or more units of standard high school work approved by the superintendent of public instruction as provided in this title and has employed only teachers who are duly certified and has paid its teachers not less than the minimum salary required by law:

1. For each non-resident high school student attending a county agricultural and training school or a model high school in the district, the sum of two dollars for each week in which such student attended such school during the preceding school semester. In the case of county agricultural and training schools, all students shall be considered as non-resident high school students and subject to all the provisions of this section;

2. For each non-resident high school student attending a high school, other than a county agricultural and training school or a model high school, in the district, the sum of three dollars for each week in which such student attended the high school during the preceding school semester.

A student who lives in a county in this state bordering on another state and in a school district which has no high school may attend a four year high school in the adjoining state, and high school tuition shall be paid from the fund in the amount specified in this section to the district in which the high school which he attends is located.

Approved March 14, 1945.

CHAPTER 166

S. B. No. 140
Introduced by Senator Day (By Request)

INDEPENDENT SCHOOL DISTRICT BOARD MEETINGS

An Act Amending and re-enacting Section 15-3206 of the North Dakota Revised Code of 1943, relating to meetings of the Board of Education in Independent School Districts.

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

§ 1. AMENDMENT.] That Section 15-3206 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

§ 15-3206. MEETINGS OF BOARD: NOTICE.] The regular meetings of the board shall be held on the second Tuesday of each month, and the board may hold special meetings upon notice. A regular meeting may be adjourned for any time less than one month. Special meetings may be called as often as necessary, by the president, or, in case of his absence or inability to act, by any three members of the board. Written notice of a special meeting shall be given to each member of the board personally or shall be left at his place of residence at least forty-eight hours before the hour of the special meeting.

Approved March 9, 1945.

CHAPTER 167

H. B. No. 134
Introduced by Forseth, Esterby, Fraser, Acheson, and Haugland

LAND DEPARTMENT LOANS, TERM, INTEREST AND PAYMENT

An Act Specifying the term, interest and payment of farm loans made by the Commissioner of University and School Lands; and amending and re-enacting Section 15-0309 of the North Dakota Revised Code of 1943 as amended by Chapter 35 of the Special Session Laws for 1944.

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

§ 1. AMENDMENT.] That Section 15-0309 of the North Dakota Revised Code of 1943, as amended by Chapter 35 of the Special Session Laws for 1944, be amended and re-enacted to read as follows:

1. First mortgages on farm lands shall be for a period of not more than twenty years, and the funds so invested shall bear interest at the rate of three and one-half per cent per annum. The principal and interest shall be payable to the Commissioner of University and School Lands at Bismarck, North Dakota, the interest to be payable annually. The Commissioner shall report and pay into the State Treasury daily, all collections of principal and interest payments. The borrower shall have the option of paying ten per cent of the principal, or any multiple thereof, at any interest paying date. Any mortgage may be satisfied at any interest paying date on payment of the entire amount of the indebtedness. When the interest is paid, it shall become a part of the interest and income fund.

Approved March 14, 1945.

CHAPTER 168

H. B. No. 47
Introduced by Representative Leet

LEGALIZING OPERATION, CERTAIN SCHOOL DISTRICTS

An Act Legalizing the operation of certain school districts and fixing the tax levies therein, and declaring an emergency.

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

§ 1. That where two or more adjacent school districts have joined in the establishment and maintenance of a high school or of a graded school or of both pursuant to the provisions of chapter 85

of the Session Laws of 1903, and such school districts have continued to maintain such joint school notwithstanding the repeal of the provisions of such chapter 85, the maintenance of such joint school by such school districts is hereby legalized and validated and all acts taken in good faith by the school boards of the respective adjacent school districts for the maintenance of such joint school, pursuant to the provisions of said chapter 85, are hereby validated and declared legal.

§ 2. That any school districts mentioned in section 1 hereof may continue to maintain such joint high school or graded school or both as may have been established pursuant to said chapter 85, Session Laws of 1903, and may maintain, repair, and improve the school building and may expend the funds of the several adjacent school districts for the maintenance of said school and of said building and for the purchase of all equipment and supplies necessary for such school.

§ 3. The costs of maintaining such school, including wages of teachers and all necessary supplies, shall be paid by such adjacent districts in proportion to the assessed valuation of the property in each, and the employment of teachers therefor and the management and control thereof shall be vested in the joint Boards of such school districts.

§ 4. For the purpose of classifying the said adjacent school districts and fixing the maximum tax levy therein and for all other purposes where the kind of schools maintained shall be a basis for any right or power of a school district, each of the school districts joining in the maintenance of such school shall be deemed to be maintaining such school as fully as though the same were maintained exclusively by each of the cooperating school districts.

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

Approved February 14, 1945.

CHAPTER 169

H. B. No. 121
Introduced by Committee on Education

PAYMENTS PER PUPIL BASIS

An Act To amend and re-enact Section 15-4011 of the North Dakota Revised Code of 1943, relating to the determination of sums due school districts from the State Equalization Fund on Per Pupil Basis, to amend and re-enact Section 15-4012, relating to the distribution of payments on a per pupil basis.

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

§ 1. Section 15-4011 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

15-4011. DETERMINATIONS OF SUMS DUE DISTRICTS ON PER PUPIL BASIS: REPORT OF COUNTY SUPERINTENDENTS OF SCHOOLS.] The moneys appropriated to the fund by the legislative assembly from time to time for distribution to the school districts on a per pupil basis shall be distributed to the districts in amounts to be determined as follows:

1. The county superintendent of schools of each county, on forms supplied by the superintendent of public instruction, and on or before the first day of August in each year, shall report to the superintendent of public instruction:

   a. The number of teachers employed in each district in the county;

   b. The salary of each of such teachers;

   c. The number of bona fide resident students who actually were enrolled in each school in each district at the end of the preceding school year and who attended such schools for ninety days or during such year; and

   d. The assessed valuation of the property in each district on which taxes were levied for the preceding school year. Such assessed valuation shall be certified by the county auditor; and

   e. The schools included within each school district of the county;

2. Where there are less than twenty pupils enrolled in a one teacher school, the enrollment, for the purposes of calculating payment, shall be considered as an enrollment of twenty pupils;

3. In districts in which there are more than twenty pupils per teacher, the number of pupils used in calculating the payments shall be arrived at by multiplying the number of teachers in the district by twenty and adding to such product seventy per cent (70%) of the difference between such product and the number of bona fide resident pupils enrolled in schools of the district;

4. The superintendent of public instruction shall divide the assed taxable valuation of the district as shown by the report of the county superintendent of schools by the number of bona fide resident pupils in the district determined under the provisions of this section to ascertain the assessed taxable valuation per pupil in the district, and the moneys appropriated for per pupil payment shall be paid to the several school districts in the state in amounts inversely proportional to the assessed taxable valuation per pupil in the district. He shall determine the per pupil payment from the following table:

Taxable valuation per pupil	Payment per pupil
5851-6000	$ .50
5701-5850	1.00
5551-5700	1.50
5401-5550	2.00
5251-5400	2.50
5101-5250	3.00
4951-5100	3.50
4801-4950	4.00
4651-4800	4.50
4501-4650	5.00
4351-4500	5.50
4201-4350	6.00
4051-4200	6.50
3901-4050	7.00
3751-3900	7.50
3601-3750	8.00
3451-3600	8.50
3301-3450	9.00
3151-3300	10.00
3001-3150	11.00
2851-3000	12.00
2701-2850	13.00
2551-2700	14.00
2401-2550	15.00
2251-2400	16.00
2101-2250	17.00
1951-2100	18.00
1801-1950	19.00
1800-or less	20.00

The per pupil payment for the district multiplied by the number of bona fide pupils in such district as used in determining the assessed valuation per pupil shall be the amount of the payment to the district.

§ 2. Section 15-4012 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

15-4012. DISTRIBUTION OF PAYMENTS ON PER PUPIL BASIS.] Each school district shall receive one-half of the amount which the superintendent of public instruction has determined to be due to it immediately upon the completion of calculations. The balance of such amount shall be paid on or before April first of each year. When the school term in a district is one of less than nine months, the superintendent shall determine the percentage which such term for which the schools in such district actually are open bears to a nine month term, and such payments shall be only such percentage of the full payment permitted under section 15-4011. A school district which has levied taxes for general purposes during the previous year:

1. Within seven mills of its normal maximum levy, shall receive the full per pupil payment;
2. Within eight mills of its normal maximum levy, shall receive only seventy-five percent of the full per pupil payment;
3. Within nine mills of its normal maximum levy, shall receive only fifty percent of the full per pupil payment;
4. Within ten mills of its normal maximum levy, shall receive only twenty-five per cent of the full per pupil payment;
5. Which are not within ten mills of its normal levy shall receive no per pupil payment from the fund.

The per pupil payments made to a school district shall not exceed fifty percent of the salaries paid by such district to the teachers thereof during the then current year. The state auditor shall make the per pupil payments on certificates issued by the superintendent of public instruction.

Approved March 12, 1945.

CHAPTER 170

H. B. No. 122
Introduced by Committee on Education

PAYMENTS TEACHER-UNIT BASIS

An Act To amend and re-enact Section 15-4018 of the North Daota Revised Code of 1943, relating to the payments from the State Equalization Fund on Teacher-Unit Basis, and providing for additional distribution on Teacher-Unit Basis of any unused balances in the State Equalization Fund.

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

§ 1. Section 15-4018 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

15-4018. PAYMENTS FROM FUND ON TEACHER-UNIT BASIS.] To qualify for payments from the fund on the teacher-unit basis, a school district shall file with the county superintendent of schools, its statement giving the name of each teacher employed within the district and the monthly salary paid to each such teacher. No aid on the teacher-unit basis shall be given to any district for any teacher who is not teaching in a district organized by virtue of a special charter, or who did not receive at least the minimum salary provided by law. Payments from the fund on the teacher-unit basis shall be made to the several school districts as follows:

1. To a school employing one to four teachers, one hundred fifty dollars per year for each grade or high school teacher-unit maintained by such district during the then current year;

2. To a school employing more than four teachers, one hundred twenty-five dollars per year for each grade or high school teacher-unit maintained by such district during the then current year,

subject to the restrictions contained in this section. A school district which levied for general purposes during the preceding year within seven mills of its normal maximum levy shall receive the full teacher-unit payment specified in this section. A school district which levied for such purposes during the preceding year within eight mills of its normal maximum levy shall receive seventy-five per cent of such payment. A school district which levied for such purposes during the preceding year within nine mills of its normal maximum levy shall receive fifty per cent of such payment. A school district which levied for such purposes during the preceding year within ten mills of its normal maximum levy shall receive twenty-five per cent of such payment, and a district which has not levied for such purposes during

the preceding year within ten mills of its normal maximum levy shall receive no payment on the teacher-unit basis. If the school term in the district is one of less than nine months, the payments on a teacher-unit basis shall be such fractional part of the full payment to which the district is entitled as is indicated by the ratio which the number of months the school actually is opened bears to nine.

Approved March 9, 1945.

CHAPTER 171

H. B. No. 88
Introduced by Representative Sellens

QUIETING TITLE CERTAIN STATE LANDS

An Act To quiet the title of the State of North Dakota in and to all lands mortgaged to secure loans of state school funds and conveyed to the State by the mortgagors or their successors in lieu of foreclosure, as permitted by Sections 15-0314 and 32-1902 of the North Dakota Revised Code of 1943, as against all tax liens thereon existing at the time of conveyance to the State of North Dakota; providing for cancellation of taxes by the County Auditor.

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

§ 1. The title of the State of North Dakota in and to all lands mortgaged to the State of North Dakota to secure a loan of permanent school funds and thereafter conveyed to the State by the mortgagors or their successors in lieu of foreclosure of the mortgage, as is permitted by the provisions of Sections 15-0314 and 32-1902 of the North Dakota Revised Code of 1943, is hereby quieted as against any and all tax liens thereon existing at the time such lands were so conveyed to the State of North Dakota.

§ 2. In all cases where conveyances have been made to the State under the provisions of said Sections 15-0314 and 32-1902 of the North Dakota Revised Code of 1943 prior to the passage of this act, it shall be the duty of the county auditor of the respective counties, where such transfers have been made, to cancel upon the records of such counties all of the taxes levied against lands so transferred.

Approved March 10, 1945.

CHAPTER 172

S. B. No. 115
Introduced by Drew, Streibel, Stucke, Day,
Olson of Mountrail, Young, Bridston,
Schrock and Dahlen

STATE MEDICAL CENTER

An Act Establishing a North Dakota State Medical Center at the University of North Dakota, defining its functions and providing for its management and control; providing for cooperation in its program by all State, county and municipal, health and welfare agencies; and providing for the acceptance of any funds, supplies, and equipment which may be made available to this State for building construction, hospital services, goods and services from agencies of the Federal government, private agencies or Foundations.

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

§ 1. There is hereby established at the University of North Dakota a North Dakota State Medical Center, the purpose of which shall be to provide facilities for the coordination, improvement, expansion and unification of health and welfare activities of the State and its agencies and its poltical subdivisions and private medical practitioners.

§ 2. The control and operation of such North Dakota State Medical Center shall be the duty and responsibility of the administrative authorities of the University of North Dakota and its Medical School under the supervision of the State Board of Higher Education or its successor in authority.

§ 3. In order to assure the proper coordination and integration of the North Dakota State Medical Center with all other health and welfare activities of the State, a permanent Medical Center Advisory Council is hereby established to advise, consult, and make recommendations to the University Administration, and to the several agencies represented on said Medical Center Advisory Council concerning the program of said North Dakota State Medical Center, the adaptation thereof to the needs of the State and to the requirements and facilities of the several agencies involved, and the use of said North Dakota State Medical Center and its facilities by the various institutions and agencies of the State and its political subdivisions. The Medical Center Advisory Council shall consist of nine members, three to be named by the Governor, and one to be named by and from the membership of each of the following: The Board of Administration, the Public Welfare Board of North Dakota, the State Board of Higher Education, or such boards or departments as shall succeed them or any of them; the State Health Officer of

the North Dakota State Department of Health; one shall be selected by the North Dakota State Medical Association; one shall be selected by the North Dakota Hospital Association.

The representatives named by the State agencies and boards above referred to shall be selected to serve as members of the Medical Center Advisory Council for periods of, at least, one year, but in no instance may they serve longer than their term of office on the public agency.

The representatives from the North Dakota State Medical Association and the North Dakota Hospital Association shall serve a term of three years or until their successors are named and qualified. Immediately after the passage of this Act, a representative from the North Dakota State Medical Association shall be selected for a term of three years, and a representative from the North Dakota Hospital Association shall be selected for a term of two years. Thereafter each original appointment shall be for three years.

The three members first appointed by the Governor shall serve for terms of three, two and one years respectively after July 1, 1945, the term of each to be designated by the Governor in his appointment, and thereafter such members appointed by the Governor shall serve for three year terms. Of the persons appointed by the Governor one shall be a representative of agriculture, one a representative of labor and one a representative of the public at large. The Medical Center Advisory Council shall name its own chairman and the Dean of the University of North Dakota Medical School shall serve as Executive Secretary thereof. The Medical Center Advisory Council shall meet in January and June of each year, and, from time to time, on its own motion or upon request of the University Administration, to consider plans and program of action for the North Dakota State Medical Center, and make its recommendations thereon to the several agencies of the State and its political subdivisions involved and to the Legislature.

§ 4. As soon as practical after this Act shall take effect, the Medical Center Advisory Council shall meet and organize, and at such meeting and at such subsequent meetings as may be held, it shall study, consider and formulate plans for facilitating and implementing, through the instrumentality of such North Dakota State Medical Center, a unified program for the improvement and maintenance of the health of the people of North Dakota in all of its phases, and such study shall include specifically ways and means of bringing about the complete training of adequate numbers of qualified physicians and surgeons for the people of North Dakota, both in the general practice of medicine and surgery and the field of public health, the training of nurses and public health nurses, of sanitary engineers, of public health administrators, and all other personnel concerned with the improvement and preservation of the

health of the people of North Dakota, the establishment and maintenance of facilities for the care, treatment and hospitalization of indigent and such other patients as should be admitted to treatment for the fullest use of the facilities of the North Dakota State Medical Center; and the establishment of plans for the fullest possible use of the facilities by private physicians and surgeons and by public health and welfare administrators and agencies for the improvement of their services to the people of the State. Such plans as are capable of being put into effect without further legislative action shall be recommended for immediate action.

§ 5. The University authorities shall make the facilities of such North Dakota State Medical Center available to all agencies of the State, Federal and local governments engaged in health and welfare activities to the fullest extent possible within the limits of a complete and coordinated program for the use thereof on terms commensurate with the cost of services rendered and facilities furnished. The work of the Medical School and the North Dakota State Medical Center shall be coordinated with the work of the other departments of the University of North Dakota. Means shall be provided whereby regularly enrolled students in other schools or departments of the University of North Dakota may, upon approval of the Dean of such other school or department, enroll in elective courses in the Medical School and receive credit therefor in the school or department in which they are regularly enrolled. Medical students may enroll in other departments and schools. Such action shall be taken as may serve to make both the North Dakota State Medical Center and the other departments and schools of the University of North Dakota morer efficient and responsive to needs of the people through the mutual interchange of facilities, and service, wherever possible.

§ 6. Schedules of fees and charges fo services and facilities furnished to persons assigned to the North Dakota State Medical Center by public agencies shall be established from time to time, after advice and consultation with the Medical Center Advisory Council and the agencies involved. If, in order to provide the necessary clinical facility for the Medical School, it shall at any time be found necessary to admit private patients in addition to indigent patients, a schedule of charges and fees for such patients shall be established for the facilities and services rendered which shall take into consideration fees charged by private hospitals and physicians for similar facilities and services and the ability of such private patients to pay for the facilities and services and the availability to such patients of adequate private facilities and services. Schedules of fees and charges for use of the services and facilities of the North Dakota State Medical Center to physicians and surgeons, public health and welfare agencies and officials shall similarly be established

at such levels as to promote the coordination and improvement of health services to the people of North Dakota.

§ 7. All agencies of the State, counties and municipalities in any way concerned with health, medical care or public welfare, shall make the fullest possible use of the facilities and services of the North Dakota State Medical Center and shall pay therefore the established fees and charges, and may contribute to the North Dakota State Medical Center specific fees or monthly payments for specific facilities and services furnished, for the care of the indigent, those suffering from communicable diseases, and those eligible for physical and vocational rehabilitation.

§ 8. The North Dakota State Medical Center or the University of North Dakota for the use and benefit of said North Dakota State Medical Center is specifically authorized to accept and use for the purposes of said North Dakota State Medical Center grants, gifts, contributions, fees, rentals, and other payments from any Foundation, individual, firm, corporation, institution, public or private agency, or from the Federal government or any of its departments, agencies or bureaus; and may, within the limits of its funds available enter into such agreements as may be necessary to secure buildings, supplies, maintenance, material and equipment; and may contract with public or private agencies or persons for the rental or use of facilities, services and equipment not owned by such North Dakota State Medical Center.

Approved March 9, 1945.

CHAPTER 173

H. B. No. 142
Introduced by Committee on Appropriations

TEACHERS CERTIFICATE FEES

An Act To amend and reenact Sections 15-3608 and 15-3609 of the North Dakota Revised Code of 1943 relating to fees for teachers' certificates.

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

§ 1. AMENDMENT.] That Section 15-3608 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

15-3608. FEES FOR CERTIFICATES.] The superintendent of public instruction shall require a fee of five dollars from each applicant for a first grade professional certificate, and a fee of three dollars

from each applicant for a second grade professional certificate or for a special certificate. The same fee shall be charged for a renewal of a professional or special certificate as is charged for its issuance. The county superintendent of schools shall collect a fee of two dollars from each applicant for an elementary certificate, or the renewal of an elementary certificate. The fees collected for first and second grade professional certificates, as provided herein, shall be deposited in the state treasury to the credit of the general fund of the state.

§ 2. AMENDMENT.] That Section 15-3609 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

15-3609. DISPOSITION OF FEES COLLECTED FOR TEACHERS' CERTIFICATES.] One dollar of each fee collected by the county superintendent of schools from an applicant for an elementary certificate and one dollar of each fee collected for the renewal of an elementary certificate shall be paid into the general fund of the county, and one dollar of each fee collected from an applicant for an elementary certificate or renewal shall be forwarded to the superintendent of public instruction to be deposited in the state treasury in the state general fund. Funds necessary for clerical help, per diem and other expenses shall be paid from appropriations made by the legislative assembly.

§ 3. Any and all moneys now in the state treasury to the credit of the certificate fund shall be transferred to the general fund after all bills charged to the certificate fund prior to July 1, 1945 are paid.

Approved March 13, 1945.

ELECTIONS

CHAPTER 174

S. B. No. 86
Introduced by Senators Work, Bridston, Blank and Braun

DEFEATED CANDIDATES PRIMARY ELECTION

An Act To deny to defeated candidates for nomination to office at primary elections the privilege of having their names printed on the ensuing general election ballot as candidates for the same office for which they were defeated and for repeal of Section 16-0606 of the North Dakota Revised Code of 1943.

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

§ 1. DEFEATED CANDIDATES FOR NOMINATION TO OFFICE AT PRIMARY ELECTION.] A person who was a candidate for nomination by any party at any primary election in any year and who was defeated for said office shall not have his or her name printed upon the official ballot at the ensuing general election for the same office.

§ 2. REPEAL.] Section 16-0606 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 10, 1945.

CHAPTER 175

H. B. No. 171
Introduced by Representative Fleck

DESIGNATION OF VOTING PRECINCTS

An Act Authorizing the governing body of any municipality to designate voting precincts and polling places for certain municipal elections.

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

§ 1. The governing body of any municipality at the time of calling any general or special municipal election, or prior to the time of registration for said election, if such registration be required by law, where officers of said municipality are not to be elected by wards or districts, may by resolution, designate such voting precincts

and polling places for said election as it may deem necessary for the conduct of the same, and shall in giving notice of said election, designate such voting precincts and polling places.

Approved February 27, 1945.

CHAPTER 176

H. B. No. 201
Introduced by Representatives Wolf of McIntosh, Haugen, Bubel and Haag

POLITICAL ADVERTISEMENTS

An Act Providing that all political advertisements shall disclose the name or names of the person or persons, associations, partnerships or corporations sponsoring such advertisements; the name or names of any person or persons, associations, partnerships or corporations paying for such advertisements; and providing penalties for violation thereof.

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

§ 1. From and after the passage of this Act, each and every political advertisement, whether on behalf of or in opposition to any candidate for public office, initiated measure or constitutional amendment, and whether such advertisement shall be by newspaper, pamphlet or folder, display cards, signs, posters or billboard advertisements, or by any other public means, shall disclose at the bottom of same the name or names of the sponsors of such advertisement, and the name or names of the person, persons, associations, partnerships or corporations paying for such advertisement, and at the close of every radio broadcast containing any advertising announcements or talk for or against any initiated measure or constitutional amendment to be voted on by the people, there shall be announced at the close of said broadcast the name or names of the person, persons, associations, partnerships or corporations paying for such radio broadcast.

§ 2. PENALTY.] Any person, association, partnership or corporation who shall violate the provisions of this Act and who shall fail or neglect to disclose the name or names of the sponsors of such political advertisement, or the name or names of the persons, associations, partnerships or corporations paying for such advertisement, or who shall print, distribute, or cause to be printed or distributed, any matter described in Section 1 hereof which does not comply with the provisions of this Act, shall upon conviction thereof be punished by imprisonment in the county jail for not less than thirty days or more than six months, or by a fine of not less than one hundred

dollars or more than five hundred dollars, or by both such fine and imprisonment. Any editor of a newspaper, managing officer of any printing establishment, radio station, novelty concern, poster or billboard advertising company printing or furnishing such political advertisement without disclosing the information herein provided for shall also be liable to the penalties prescribed herein.

§ 3. INVALID SECTIONS.] If any section or sections of this Act shall be declared unconstitutional or invalid this shall not invalidate any other sections of this Act.

Approved March 16, 1945.

FOODS, DRUGS, OILS, AND COMPOUNDS

CHAPTER 177

H. B. No. 92
Introduced by Representatives Dalzell, Hofstrand, Haugland and Schnell

FLOUR AND BREAD STANDARDS

An Act To require the enrichment of flour and bread to meet certain standards of vitamin and mineral content; and to fix penalties for violation of this Act.

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

§ 1. When used in this Act, unless the context otherwise requires: (a) "Flour" includes and shall be limited to the foods commonly known in the milling and baking industries as (1) white flour, also known as wheat flour or plain flour; (2) bromated flour; (3) self-rising flour, also known as self-rising white flour or self-rising wheat flour, and (4) phosphated flour, also known as phosphated white flour or phosphated wheat flour, but excludes whole wheat flour and also excludes special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours.

(b) "White bread" means any bread made with flour (as defined in (a)) whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread.

(c) "Rolls" includes plain white rolls and buns of the semi-

bread dough type namely: soft rolls, such as hamburger rolls, hot dog rolls, Parker House rolls, and hard rolls, such as Vienna rolls, Kaiser rolls, but shall not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns and butterfly rolls.

(d) "Commissioner" means the State Food Commissioner and Chemist of the State of North Dakota.

(e) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread or rolls.

§ 2. It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale, for human consumption in this State, flour (as defined in Section 1) unless the following vitamins and minerals are contained in each pound of such flour: not less than 2.0 mg. and not more than 2.5 mg. of thiamine; not less than 1.2 mg. and not more than 1.5 mg. of riboflavin; not less than 16.0 mg. and not more than 20.0 mg. of niacin or niacin-amide; not less than 13.0 mg. and not more than 16.5 mg. of iron (Fe); except in the case of self-rising flour which in addition to the above ingredients shall contain not less than 500 mg. and not more than 1500 mg. of calcium (Ca); provided, however, that the terms of this section shall not apply to flour sold to distributors, bakers or other processors, if the purchaser furnishes to the seller a certificate in such form as the Commissioner shall by regulation prescribe, certifying that such flour, will be (1) resold to a distributor, baker or other processor, or (2) used in the manufacture, mixing or compounding of flour, white bread or rolls enriched to meet the requirements of this Act, or (3) used in the manufacture of products other than flour, white bread or rolls. It shall be unlawful for any such purchaser so furnishing any such certificate to use or resell the flour so purchased in any manner other than as prescribed in this section.

§ 3. It shall be unlawful for any person to manufacture, bake, sell, or offer for sale, for human consumption in this State, any white bread or rolls (as defined in Section 1) unless the following vitamins and minerals are contained in each pound of such bread or rolls; not less than 1.1 mg. and not more than 1.8 mg. of thiamine; not less than 0.7 mg. and not more than 1.6 mg. of riboflavin; not less than 10.0 mg. and not more than 15.0 mg. of niacin; not less than 8.0 mg. and not more than 12.5 mg. of iron (Fe).

§ 4. (a) The Commissioner is hereby charged with the duty of enforcing the provisions of this Act and he is hereby authorized and directed to make, amend or rescind rules, regulations and orders for the efficient enforcement of this Act.

(b) Whenever the vitamin and mineral requirements set forth in Sections 2 and 3 of this Act are no longer in conformity with the

legally established standards governing the interstate shipments of enriched flour and enriched white bread or enriched rolls, the Commissioner, in order to maintain uniformity between intrastate and interstate vitamin and mineral requirements for the foods within the provisions of this Act, is authorized and directed to modify or revise such requirements to conform with amended standards governing interstate shipments.

(c) In the event of findings by the Commissioner that there is an existing or imminent shortage of any ingredient required by Sections 2 or 3 of this Act, and that because of such shortage the sale and distribution of flour or white bread or rolls may be impeded by the enforcement of this Act, the Commissioner shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredient from flour or white bread or rolls; and if he finds it necessary or appropriate, excepting such foods from labeling requirements until the further order of the Commissioner. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate federal agency or officer. In the absence of any such order of the---------- appropriate federal agency or factual information supplied by it, the Commissioner on his own motion may, and upon receiving the sworn statements of ten (10) or more persons subject to this Act that they believe such a shortage exists or is imminent shall, within twenty (20) days thereafter hold a public hearing with respect thereto at which any interested person may present evidence; and shall make findings based upon the evidence presented. The Commissioner shall publish notice of any such hearing at least ten (10) days prior thereto. Whenever the Commissioner has reason to believe that such shortage no longer exists, he shall hold a public hearing, after at least ten (10) days notice shall have been given, at which any interested person may present evidence, and he shall make findings based upon the evidence so presented. If his findings be that such shortage no longer exists, he shall issue an order to become effective not less than thirty (30) days after publication thereof, revoking such previous order; provided, however, that undisposed floor stocks of flour on hand at the effective date, of such revocation order, or flour manufactured prior to such effective date, for sale in this state may thereafter be lawfully sold or disposed of.

(d) All orders, rules and regulations adopted by the Commissioner pursuant to this Act shall be published in the manner hereinafter prescribed, and, within the limits specified by this Act, shall become effective upon such date as the Commissioner shall fix.

(e) Whenever under this Act publication of any notice, order, rule or regulation is required, such publication shall be made at least ----------(twice) in at least one daily newspaper of general circulation printed and published in this State.

(f) For the purpose of this Act, the Commissioner, or such

officers or employees under his supervision as he may designate, is authorized to take samples for analysis and to conduct examinations and investigations, and to enter, at reasonable times, any factory, mill, bakery, warehouse, shop or establishment where flour, white bread or rolls are manufactured, processed, packed, sold or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour, white bread or rolls therein, and all pertinent equipment, materials, containers and labeling.

§ 5. Any person who violates any of the provisions of this Act or the orders, rules or regulations promulgated by the Commissioner under authority thereof, shall upon conviction thereof be subjected to fine for each and every offense, in a sum not exceeding $100.00 or to imprisonment, not to exceed 30 days.

§ 6. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Approved March 2, 1945.

CHAPTER 178

S. B. No. 57
Introduced by Senators Stucke, Drew and Foss

ISONIPECAINE

An Act Defining Isonipecaine and making it Subject to Chapter 19-03 of the North Dakota Revised Code of 1943; and Declaring an Emergency.

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

§ 1. DEFINITION.] "Isonipecaine" means the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name identified.

§ 2. Isonipecaine is subject to all of the rules and regulations contained in Chapter 19-03 of the North Dakota Revised Code of 1943.

§ 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 2, 1945.

CHAPTER 179

H. B. No. 138
Introduced by Committee on Appropriations

LICENSE REQUIRED TO SELL ANTI-FREEZE

An At To amend and re-enact Section 19-1604 and repealing Section 19-1609 of the North Dakota Revised Code of 1943 relating to Anti-Freeze.

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

§ 1. AMENDMENT.] That Section 19-1604 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

19-1604. LICENSE REQUIRED.] Before any anti-freeze can be sold, exposed for sale, or held with intent to sell, within the state, it must be licensed by the State Laboratories Department. Upon application of the manufacturer or distributor and the payment of the fee prescribed in this section, the state laboratories department shall license any anti-freeze not in violation of the provisions of Sections 19-1602 and 19-1603. Such license shall be good for one year unless sooner cancelled or a change is made in the name, brand, or trademark under which such anti-freeze is sold. If the product does not meet all requirements of law, a license for it shall be refused and its sale shall be unlawful. Application for a license and payment of the license fee shall be made annually during the month of December of every year or prior to placing such anti-freeze on the market, and said license shall expire December thirty-first of the year next following its issuance. The license fee shall be twenty dollars for each brand of anti-freeze sold and such fee shall be deposited with the state treasurer to the credit of the general fund.

§ 2. Any and all moneys now in the state treasury to the credit of the anti-freeze fund shall be transferred to the General Fund after all bills charged to such fund prior to July 1, 1945 are paid.

§ 3. REPEAL.] That Section 19-1609 of the North Dakota Revised Code of 1943 relating to appropriation of Revenue, be and the same is hereby repealed.

Approved February 27, 1945.

CHAPTER 180

S. B. No. 58
Introduced by Senators Stucke, Drew and Foss

NARCOTIC DRUGS DEFINED

An Act To Amend and Re-enact Subsections 13, 16 and 17 of Section 19-0301 of the North Dakota Revised Code of 1943; and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Subsection 13 of Section 19-0301 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

19-0301 (13). "Narcotic drugs" means coca leaves, opium, isonipecaine, cannabis, and every other substance neither chemically nor physically distinguishable from them;

§ 2. AMENDMENT.] That Subsection 16 of Section 19-0301 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

19-0301 (16). "Dispense" includes distribute, leave with, give away, dispose of, or deliver;

§ 3. AMENDMENT.] That Subsection 17 of Section 19-0301 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

19-0301 (17). "Registry number" means the number assigned to each person registered under the Federal Narcotic Laws;

§ 4. 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 28, 1945.

CHAPTER 181

H. B. No. 64
Introduced by Representatives Dalzell, Hoffstrand, Haugland and Schnell

REGULATING SALE OF LIVE STOCK MEDICINES

An Act Amending and re-enacting Section 19-1403 of the North Dakota Revised Code of 1943 relating to the regulating of the sale of livestock medicines.

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

§ 1. AMENDMENT.] That Section 19-1403 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

§ 19-1403. REGULATIONS FOR SALE.] No person shall sell, offer, or expose for sale, have in his possession with intent to sell, any livestock medicine:

1. Which is sold under a name, brand, trademark, or labeling which is misleading, deceptive, or false, or which is dangerous to animals under the conditions of use prescribed in the labeling or advertising thereof;

2. Which purports to cure infectious abortion, hog cholera, fowl cholera, tuberculosis, foot and mouth disease, roup, white diarrhea, or any other disease of domestic animals for which no genuine cure is known;

3. Which has not been registered by the State Laboratories Department for sale in this state. The certificate of registration shall include a disclosure of the name and quantity or proportion of each active ingredient, and the names of the inert ingredients or fillers;

4. Which does not have printed or written upon the label of each package sold at retail, in type not less than one-fourth the size of the largest type on the package;

a. The common name in English of all active ingredients in the order of their predominance in the product;

b. The total quantity or proportion of active ingredients, and the total quantity or proportion of inert ingredients, provided, however, if such statement of ingredients alone be insufficient to prevent fraud or deception or to convey to the purchaser the true nature of the product, the percentage of each ingredient shall in addition be required. In the case of certain products (such as coated medicinal tablets) it may be impractical to state the quantity or proportion of inert ingredients and exemptions shall be established by regulations issued by the Food Commissioner and Chemist;

c. A statement of the actual percentage or relative amounts of

each of the following substances if present: All mineral (inorganic) acids; caustic alkalies; the elements copper, mercury, arsenic, antimony, fluorine, or compounds thereof; tobacco, opium, belladonna, nux vomica, pilocarpus, santonica, areca nut, chenopodium, digitalis, strophanthus, calabar bean, aconite, veratrum, croton oil, ergot, cotton root bark, cantharides, carbon disulphide, carbon tetrachloride, tetrachlorethylene, or derivatives thereof;

d. The net contents, by weight, measure, or numerical count of such package;

e. The name and principal address of the manufacturer or person responsible for placing such livestock medicine on the market; and

f. Complete and explicit directions for use of such medicine;

5. When the contents of the package as originally put up have been removed in whole or in part, and other contents shall have been placed in such package.

Approved February 13, 1945.

CHAPTER 182

H. B. No. 59
Introduced by Representatives Dalzell, Hofstrand, Haugland and Schnell

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REGULATION OF COMMERCIAL FEEDING STUFFS

An Act To prevent Fraud and Deception in the Manufacture and Sale of Concentrated Commercial Feeding Stuffs, and Providing for the Registration and Labelling Thereof; and Repealing all of Chapter 19-13 of the North Dakota Revised Code of 1943; and Declaring an Emergency.

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

§ 1. DEFINITIONS.] The term "commercial feeding stuffs" shall be held to include all feeding stuffs used for feeding livestock and poultry, except the following:

(a) Whole seeds or grains.

(b) The unmixed meals made directly from and consisting of the entire grains of corn, wheat, rye, barley, oats, buckwheat and broom corn.

(c) Whole hays, straws, ensilage and corn stover, when unmixed with other materials.

§ 2. STANDARDS.] The standards for commercial feeding

stuffs shall be the latest revision of the definitions of feeding stuffs adopted by the Association of American Feed Control officials.

§ 3. LABELLING.] Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this state shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(a) The net weight of the contents of the package, lot or parcel;

(b) The name, brand or trade mark;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;

(d) The minimum per centum of crude protein;

(e) The minimum per centum of crude fat;

(f) The maximum per centum of crude fiber;

(g) The specific name of each ingredient used in its manufacture.

(h) In the case of mineral feeds and commercial feeds containing more than a total of five per cent (5%) of one or more mineral ingredients or other materials used as mineral supplements, the minimum per centum of phosphorus (P) calcium (Ca) and iodine (I) and the maximum per centum of salt (NaCl); provided that if no nutritive properties other than those of a mineral nature be claimed for a mineral feed product, the per centums of crude protein, crude fat, and crude fiber may be omitted.

(i) In the case of vitamin supplements or carriers, the potency in terms of vitamin units per unit weight.

The methods of analysis shall be those in force at the time by the Association of Official Agricultural Chemists.

§ 4. FILING STATEMENTS AND SAMPLES.] Before any manufacturer, importer, dealer, agent or person shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs, he shall file with the State Laboratories Department of the State of North Dakota, a certified copy of the statements specified in Section three (3) for each brand of commercial feeding stuffs; said certified copy shall be accompanied, when the State Food Commissioner and Chemist shall so request, by a sealed package containing at least one pound of the commercial feeding stuffs offered for registration.

§ 5. SEMI-ANNUAL REPORT BY LICENSEES.] All corporations, firms, or persons engaged in the manufacture of commercial feeds sold in this state shall on or before the fifteenth (15th) day of January and the fifteenth (15th) day of July of each year, make statement

under oath, in due form of law, which shall be filed with the State Laboratories Department, and which shall set forth the number of net tons of such commercial feeds sold or distributed in this state during the six (6) preceding calendar months; and upon such a statement shall make payment to the State Laboratories Department the sum of twenty (20) cents per net ton of two thousand (2000) pounds. Each statement of tonnage sold shall have included with such statement a permit granting to the State Food Commissioner and Chemist or his agent permission to verify such statement of tonnage from the records of the party submitting the tonnage report. All fees received by the State Laboratories Department, as provided for in this act, shall be properly recorded by him and forwarded monthly to the Treasurer of the State of North Dakota. The State Laboratories Department is hereby empowered to give credit and if necessary make refund of money for tax tags held at the time this law becomes effective by those engaged in the manufacture of commercial feeds sold in the state.

§ 6. INSPECTION AND ANALYSIS.] The State Food Commissioner and Chemist or any person deputized by him is hereby empowered to procure from lot, parcel, or package of any concentrated commercial feeding stuff offered for sale or found in the State of North Dakota, and upon tender and full payment of the selling price of said sample, take therefrom a quantity of commercial feeding stuff of not less than two pounds; provided that such samples shall be obtained during reasonable business hours or in the presence of the owner of the concentrated commercial feeding stuff or in the presence of some person claiming to represent the owner.

§ 7. RULES AND REGULATIONS.] The State Food Commissioner and Chemist is hereby empowered to promulgate standards and definitions for concentrated commercial feeds, and to subscribe and enforce such rules and regulations as he may deem necessary to carry into effect the full intent and meaning of this act and to refuse registration of any concentrated feeding stuffs under a name which would be misleading as to the materials of which it is made.

§ 8. VIOLATIONS.] Whenever the Food Commissioner and Chemist shall find by analysis or otherwise that an adulterated, misbranded, insufficiently labelled or unlicensed product is being sold in violation of this act, he shall forthwith transmit the facts so found to the State's attorney to institute appropriate proceedings in the proper court of jurisdiction.

§ 9. PENALTIES.] Any person, company, corporation or agent who shall offer for sale, sell or expose for sale any package or sample or quantity of any concentrated commercial feeding stuffs which has not been registered with the State Laboratories Department, as required by the provisions of this act, or which does not have affixed to it a tag or label required by this act, or which is found by analysis

made by or under the direction of the State Food Commissioner and Chemist to contain a smaller percentage of crude fat or crude protein than the minimum guarantee, or a greater percentage of crude fiber than the maximum guarantee, or which shall be labelled with false or inaccurate guarantee; or who shall refuse or fail to make the sworn statements required under the provisions of this act; or who shall prevent or strive to prevent the State Food Commissioner and Chemist or persons deputized by him from inspecting and obtaining samples of concentrated feeding stuffs, as provided for in this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in the sum of fifty dollars for the first offense and in the sum of one hundred dollars for each subsequent offense. In all litigation arising from the purchase or sale of any concentrated commercial feeding stuff in which the composition of the same may be involved, a certified copy of the official analysis signed by the State Food Commissioner and Chemist may be accepted as prima facie evidence of the composition of such concentrated commercial feeding stuff.

§ 10. REPEAL.] The Chapter 19-13 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 11. 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 15, 1945.

GAME, FISH, AND PREDATORS

CHAPTER 183

H. B. No. 40

Introduced by Representatives Olaf Ostgulen, F. J. Graham, A. W. Benno, Mal Gainor, Bernt Anderson, Frank Lindberg, K. A. Fitch, Mr. M. B. Hogoboom, Cornelius Bymers, C. H. Hofstrand

BOUNTY, WOLF, COYOTE, BOBCAT AND FOX

An Act For an Act to Amend and Re-enact Section 20-1301 of the North Dakota Revised Code of 1943, Relating to Wolf, Coyote, Bobcat and Fox Bounty and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 20-1301 of the North Da-

kota Revised Code of 1943 be amended and re-enacted to read as follows:

§ 20-1301. STATE BOUNTY FOR WOLVES, COYOTES, BOBCATS AND FOXES.] For the purpose of encouraging the destruction of wolves, coyotes and foxes, a bounty shall be paid by the State of North Dakota for each wolf, coyote, bobcat, and fox killed within the State of North Dakota as follows:

(1) For each mature wolf, mature coyote or mature bobcat killed the sum of Five ($5.00) Dollars;

(2) For each mature fox killed the sum of Three ($3.00) Dollars;

(3) For each wolf, coyote pup or bobcat kitten killed prior to September first in the year it was whelped, Two Dollars and Fifty Cents ($2.50); and

(4) For each fox pup killed on or before September first of the year it was whelped, the sum of One Dollar and Fifty Cents ($1.50).

No bounty shall be paid on wolves, coyotes, bobcats or foxes killed by hunters and trappers paid by state or federal funds.

§ 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.

Approved February 8, 1945.

CHAPTER 184

S. B. No. 43
Introduced by Senators Rue and Braun

LICENSES, GAME AND FISH

An Act To amend and re-enact section 20-0305, of the North Dakota Revised Code of 1943, relating to the issuing of a license to persons who are recent arrivals, to persons in the Armed Forces of the United States on leave or furlough, and to persons in the employ of the United States Fish and Wild Life Service or the Conservation Department of any state or the Province of Canada entering the state for the purpose of advising or consulting with the North Dakota Game and Fish Department and providing for permission to hunt game birds without a license to residents of the State of North Dakota in the military service of the United States; and declaring an emergency.

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

§ 1. AMENDMENT.] That section 20-0305 of the North Da-

kota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

20-0305. RESIDENT LICENSES MAY BE ISSUED AT DISCRETION OF THE COMMISSIONER.] Any resident license prescribed by this title may be issued by and in the discretion of the Commissioner to a person who has come to this State with a bona fide intention to become a resident thereof, even though he has not been a resident of this State for the required period of time immediately preceding the application for the license or to any person who is a member of the armed forces of the United States, and who is within the State on furlough, or leave, or on temporary duty, or to any person who is in the employ of the United States Fish and Wild Life Service or the Conservation Department of any State or Province of Canada, and who is in the State for the purpose of advising or consulting with the North Dakota Game and Fish Department. Any resident of the State, while in the military service of the United States, shall be permitted to hunt game birds or fish without a license therefor during the open season during the time of war. No license shall be issued under the provisions of this section unless a satisfactory affidavit of some bona fide resident setting forth the actual conditions accompanies the application.

§ 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.

Approved March 13, 194

CHAPTER 185

H. B. No. 180

Introduced by Representatives Mork, Mollet, Schmidt of Morton, Moarke, Engel, Frank and Tuff

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LICENSE TO HUNT AND FISH ON OWN LAND

An Act To amend and re-enact Section 20-0302 of the North Dakota Revised Code of 1943, relating to licenses of residents and owners and lessees of land to hunt and fish, regulating the sale and tagging of deer hides and providing exceptions.

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

§ 1. LICENSES TO HUNT, FISH, OR TRAP NOT REQUIRED OF RESIDENTS; WHEN; EXCEPTIONS.] Subject to the other provisions of this title:

1. Any resident of this state, or any member of his family residing customarily with him, may hunt, fish, or trap during

the open season without a license upon land owned or leased by such resident. No such person, however, shall trap, take or kill beaver, nor hunt, take or kill deer without first having procured a limited license to take beaver, or a big game hunting license, as the case may be, as prescribed in this title; but upon the execution and filing of an affidavit by any person owning or leasing land within a district opened for the hunting of deer, such person shall receive a license to hunt deer upon such land described in said affidavit without charge therefor, and such license so issued without charge shall have endorsed on it the description of such land and it may be used to hunt deer only upon such land; and

2. Any resident of this state under the age of eighteen years may fish without first having obtained a resident fishing license as prescribed in this chapter.

§ 2. Provided further that deer hides may be sold when legally taken and properly tagged.

Approved March 9, 1945.

CHAPTER 186

S. B. No. 181
Introduced by Committee on Game and Fish

MAGPIE AND CROW BOUNTY

An Act Amending and Re-enacting Section 20-1401, of the North Dakota Revised Code of 1943, Relating to Bounty Payable for Magpies and Crows Killed in State; Making an Appropriation.

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

§ 1. AMENDMENT.] That section 20-1401 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

20-1401. BOUNTY PAYABLE FOR MAGPIES AND CROWS KILLED IN STATE; APPROPRIATION.] A bounty of fifteen cents shall be paid by the state of North Dakota for each magpie killed in this state.

The Game and Fish Department is hereby authorized and empowered to issue a stamp to be designated as "the crow control stamp," which is to be sold under the supervision of the commissioner at a price of fifty cents. The proceeds from the sale of said stamp is to be covered into the State Treasury into a fund to be designated as

"a crow control bounty fund." The Commissioner shall, by regulation, determine the amount of bounty to be paid on adult crows, said bounty not to be less than ten cents or more than twenty-five cents. The commissioner shall make such rules and regulations as are necessary to carry out the purpose of this Act.

There is hereby appropriated annually out of the crow control fund such amounts as in the opinion of the commissioner may be necessary for the purpose of paying the bounty hereinafter provided for on crows and the cost of administration.

Approved March 13, 1945.

CHAPTER 187

H. B. No. 181
Introduced by Representatives Schmalenberger, Bubel and Esterby

NO HUNTING SIGNS, MANNER OF POSTING

An Act To provide for the manner of posting of lands by the owner or tenant to prohibit hunting, and amending and re-enacting Section 20-0115 of the North Dakota Revised Code of 1943.

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

§ 1. That Section 20-0115 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

20-0115. POSTING OF LANDS BY OWNER OR TENANT TO PROHIBIT HUNTING; HOW LANDS TO BE POSTED.] The owner or tenant of any land may post the same by placing alongside the public highway or the land, signs giving notice that no hunting will be permitted on said land. The signs shall be readable from the outside of the land and shall be placed conspicuously at a distance of not more than eighty rods apart, provided further that as to land entirely enclosed by a fence or other enclosure, posting of such signs at or an all gates through such fence or enclosure shall be construed to be a posting of all such enclosed land.

Approved March 13, 1945.

CHAPTER 188

H. B. No. 109

Introduced by Representatives Schnell and Anderson by request

PREDATORY ANIMAL CONTROL BY COUNTIES

An Act Authorizing county commissioners of the several counties of the state to cooperate with the Commissioner of Agriculture and Labor of the State of North Dakota and with the United States Department of the Interior, Fish and Wildlife Service in programs of predatory animal control; authorizing a levy of a per head tax upon sheep.

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

§ 1. For the purpose of further carrying out the provisions of Chapter 3 of the Special Session Laws of 1944, the boards of county commissioners of the several counties of the state are hereby authorized to perform, within their respective counties, predatory animal control as defined by said act, and for this purpose enter into cooperative aggreements with the Commissioner of the State Department of Agriculture and Labor and the United States Department of the Interior, Fish and Wildlife Service.

§ 2. In order to perform such predatory control, the boards of county commissioners are authorized to make necessary expenditures from special funds of the counties available for this purpose or at the discretion of the board of county commissioners from the county general or contingent fund.

§ 3. The boards of county commissioners shall, when petitioned by persons owning a majority of the sheep on the assessment rolls of said county, levy a special tax upon the sheep of said county, not to exceed 10c per head, this tax to be assessed and collected in the same manner and at the same time as is now, or may hereafter be prescribed by law for the assessment and collection of personal property taxes.

The entire fund derived from such levies shall be expended only for predatory control as defined by law, and shall remain available until expended.

Approved March 13, 1945.

CHAPTER 189

H. B. No. 275
Introduced by Committee on Appropriations
Approved by Delayed Bills Committee

RATTLESNAKE BOUNTY REPEAL

An Act To repeal Chapter 20-15 of the North Dakota revised code of 1943, pertaining to bounties on rattlesnakes; providing for the disposition of the rattlesnake tails in the possession of the board of administration; and providing for the transfer of the rattlesnake bounty fund to the general fund.

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

§ 1. REPEAL.] That chapter 20-15 of the North Dakota Revised Code of 1943 be and the same is hereby repealed.

§ 2.] The board of administration, upon the taking effect of this act, shall immediately destroy, by burning, all rattlesnake tails in its possession.

§ 3.] The balance remaining in the rattlesnake bounty fund shall be transferred to the general fund.

Approved March 13, 1945.

GOVERNMENTAL FINANCE

CHAPTER 190

S. B. No. 175
Introduced by Senators Schrock and Rue

AUTHORIZATION TO MAKE LOANS OR ACCEPT GRANTS

An Act Authorizing the state, any of its departments, boards, bureaus or commissions, by and with the approval of the Governor, and counties, cities, villages, park districts, school districts and townships to make loans or to accept advances from the federal government, any agency or instrumentality thereof, for the purpose of aiding in financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions preliminary to the construction of public works and improvements under certain conditions; repealing all acts or parts of acts in conflict herewith.

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

§ 1. AUTHORIZATION TO MAKE LOANS OR ACCEPT GRANTS.] The state, any of its departments, boards, bureaus or commissions, by and with the approval of the Governor, may make loans, or accept advances from the federal government, any agency or instrumentality thereof, for the purpose of aiding in financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions preliminary to the construction of public works and improvements, and may repay to the federal government, any of its agencies or instrumentalities thereof, such loans or advances at such times as the construction of said public works or improvements so planned are undertaken; and any county, city, village, park district, school district and township, may likewise, by action of the governing body of the same, also make such loans and accept such advances and repay the same in the same manner. Such loans made or grants accepted, may be made or accepted under such rules and regulations as the federal government, or any of its agencies or instrumentalities may prescribe. Provided, however, that neither the state, any of its boards, bureaus, departments or commissions, nor any of the political subdivisions enumerated herein shall incur any liability for the payment of such loans or advances unless the actual construction of such public works and improvements is undertaken; and provided, further, that the provisions of this act shall not be construed to apply to loans, grants or advances to the State Highway Department made or to be made by the federal government, any agency or instrumen-

tality thereof, or to such loans, grants or advances made to political subdivisions by the said State Highway Department.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1945.

CHAPTER 191

S. B. No. 144
Introduced by Committee on Appropriations

ATTORNEY GENERALS LICENSE FUND, TRANSFER

An Act Transferring Sixty Thousand Dollars ($60,000) from the Attorney General's Licensing Fund to the General Fund of the State.

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

§ 1. There is hereby transferred from the Attorney General's Licensing Fund to the General Fund of the State of North Dakota the sum of Sixty Thousand Dollars.

Approved March 13, 1945.

CHAPTER 192

S. B. No. 145
Introduced by Committee on Appropriations

TRANSFER BANK OF NORTH DAKOTA FUNDS

An Act Transferring One Thousand Seven Hundred Twenty-five Dollars and Forty-nine Cents ($1725.49) from the Bank of North Dakota Bond Payment Fund to the General Fund of the State.

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

§ 1. There is hereby transferred from the Bank of North Dakota Bond Payment Fund to the General Fund of the State of North Dakota the sum of One Thousand Seven Hundred Twenty-five Dollars and Forty-nine Cents ($1725.49).

Approved March 9, 1945.

GUARANTY, INDEMNITY, AND SURETYSHIP

CHAPTER 193

H. B. No. 190
Introduced by Representative Wollitz

SURETY BONDS, NOTICE AND WITHDRAWAL

An Act Requiring manufacturers, wholesalers and distributors operating through agents who are required to furnish bonds to give the sureties on such bonds notice of acceptance thereof, giving the surety ten days within which to withdraw therefrom, requiring monthly statements to be furnished to the surety, and providing for cancellation of such bonds.

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

§ 1.] In every case in which a manufacturer, wholesaler or distributor hereafter requires a present or prospective agent, salesman, or dealer to secure the signature of a surety or guarantor to a bond or guaranty for the purpose of delivery of merchandise to such agent, salesman or dealer, such manufacturer, wholesaler or distributor shall furnish such surety or guarantor a correct copy of the bond or obligation, together with notice of acceptance by the manufacturer, wholesaler or distributor and setting forth to such surety or guarantor his right to withdraw as herein provided, either by registered mail or personal delivery prior to the first shipment of any merchandise for which such surety or guarantor might become liable.

§ 2.] Each surety or guarantor to any such bond or obligation shall have ten days time after his receipt of such copy and notice during which he may give notice either by mail or personal delivery to the manufacturer, wholesaler or distributor of his withdrawal from any such bond or obligation, and shall in the event of his giving such notice of withdrawal as herein provided incur no liability under any such bond or obligation to such manufacturer, wholesaler or distributor.

§ 3.] In every case in which the manufacturer, wholesaler or distributor is furnishing merchandise to any agent, salesman or dealer whose execution of bond or obligation to such manufacturer, wholesaler or distributor has been joined in by any surety or guarantor, such manufacturer, wholesaler or distributor shall each month during the life of such bond or obligation furnish each such surety or guarantor either by mail or personal delivery a statement show-

ing the debit and credit items incurred and made in the account between the manufacturer, wholesaler or distributor and such agent, salesman or dealer during the immediately preceding month and the exact balance owing from the agent, salesman or dealer thereon at the date of such notice.

§ 4.] Any such surety or guarantor may at any time give the manufacturer, wholesaler or distributor either by mail or personal delivery, notice of withdrawal from the bond or obligation to which he is a party, and such withdrawal shall be effective as of the time of the receipt of such notice by the manufacturer, wholesaler or distributor.

Approved March 9, 1945.

HEALTH AND SAFETY

CHAPTER 194

S. B. No. 66
Committee on Military and Indian Affairs

DEATH CERTIFICATES, CERTAIN VETERANS

An Act Authorizing the State Registrar of Vital Statistics to issue death certificates in certain cases of deceased veterans, and declaring an emergency.

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

§ 1.] The State Registrar of Vital Statistics shall upon request issue and file death certificates in cases of deceased veterans upon receipt of the original notice of death furnished by the War Department, or a copy of such notice certified by the Veterans' Service Commissioner or the Veterans Administration, and upon receipt of such additional evidence as may be available from other sources without regard for additional pre-requisites provided in Chapter 23-02 of the North Dakota Revised Code of 1943.

§ 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.

Approved February 14, 1945.

CHAPTER 195

H. B. No. 106
Introduced by Representatives Fitch and Crockett

DEATH RECORDS, CERTAIN MISSING PERSONS

An Act To provide for the receiving as prima facie evidence in any court, office or other place in this state, official findings, records, reports or certified copies thereof, of death, presumed death, missing or other status, issued by the Secretaries of War and Navy and other federal officers and employees, and declaring an emergency.

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

§ 1. Written findings of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such findings, pursuant to the Federal Missing Persons Act, as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office, or other place in this state as prima facie evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

§ 2. An official written report or record or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country or beleaguered, beseiged or captured by an enemy, or is dead, or is alive, made by an officer or an employee of the United States authorized by the Act referred to in Section 1 or by any other law of the United States to make same, shall be received in any court, office, or other place in this state as prima facie evidence that such person is missing, missing in action, interned in a neutral country or beleaguered or captured by an enemy or is dead, or is alive as the case may be.

§ 3. For the purposes of Sections 1 and 2 of this Act any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said act, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and a person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

§ 4. EMERGENCY.] Whereas many doubtful situations exist with reference to members of the armed forces now in service this act is hereby declared an emergency measure and shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved March 2, 1945.

CHAPTER 196

S. B. No. 117
Introduced by Senators Stucke and Drew

EMBALMERS, UNDERTAKERS AND COFFIN SELLERS REPORTS

An Act Requiring all Embalmers, Undertakers, and Coffin-Sellers to Keep Records and Report Information to the State Registrar of Vital Statistics.

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

§ 1. EMBALMERS, UNDE TAKERS, AND COFFIN-SELLERS TO KEEP RECORD.] Every person, firm or corporation selling a casket is required to keep a permanent record showing the name of the purchaser, postoffice address, name of deceased, date of death, and place of death, which record shall be open to inspection by the state registrar.

§ 2. EMBALMERS, UNDERTAKERS, AND COFFIN-SELLERS TO REPORT TO STATE REGISTRAR OF VITAL STATISTICS.] On the first day of each month, the person, firm or corporation selling caskets and every undertaker or other person attending to the burial or conducting the funeral of a dead person, is required to report to the state registrar such facts as he may require for the preceding month, on a blank provided for that purpose; provided, however, that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record.

Approved March 2, 1945.

CHAPTER 197

S. B. No. 116
Introduced by Senators Stucke and Drew

REGISTRATION OF STILLBORN CHILDREN

An Act Amending and Re-enacting Section 23-0216 of the North Dakota Revised Code of 1943, Relating to the Registration of Stillborn Children.

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

§ 1. AMENDMENT.] Section 23-0216 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 23-0216. STILLBORN CHILDREN TO BE REGISTERED.] Stillborn children, or those dead at birth, shall be registered as stillbirths on a certificate of stillbirth of the standard form recommended by the Bureau of the Census, Division of Vital Statistics. The person in charge of interment shall within three (3) days file with the local register of the county in which the stillbirth occurred the certificate of stillbirth, obtaining personal data from the informant whose signature appears thereon. He shall present the certificate of stillbirth to the attending physician, midwife, or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish. In every instance a certificate shall be filed, and a permit in the usual form for burial, cremation or other disposition of the fetus issued prior to interment or other disposition thereof.

Approved March 2, 1945.

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 198

S. B. No. 141
Introduced by Braun, Frojen, Blank and Brant

CONDEMNATION PROCEEDINGS, AMENDMENT

An Act Providing that appeal from a decision of the State Highway Commissioner or the Board of County Commissioners in highway condemnation proceedings shall not stay condemnation proceedings.

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

§ 1. Notwithstanding the taking of an appeal as provided in section 24-0123 in proceedings of the state highway commissioner in the taking of land or materials by condemnation, or from the award made by the Board of County Commissioners in such proceedings, the state highway commissioner may proceed with the use of the property so condemned and shall be liable for any additional amount awarded to the appellant upon such appeal.

Approved March 2, 1945.

CHAPTER 199

S. B. No. 205
Introduced by Committee on Delayed Bills

DESIGNATION OF SECONDARY HIGHWAY SYSTEM

An Act To Amend and Re-enact Section 24-0105 of the North Dakota Revised Code of 1943, Relating to the Designation of a Secondary Highway System and Authorizing the State Highway Commissioner to Designate Such Highways.

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

§ 1. AMENDMENT.] That Section 24-0105 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

24-0105. DESIGNATION OF SECONDARY SYSTEM; REMOVAL FROM PRIMARY HIGHWAY SYSTEM.] The state highway commissioner may designate, from time to time, a secondary highway system not exceeding ten thousand miles in length on which all secondary or feeder road funds shall be expended as may be provided by such appropriations. In designating such system, he may transfer from the primary state highway system those parts which are low in standard of improvement and traffic service and which will be released from maintenance agreement or agreements with the federal government. No mileage on the primary state highway system shall be placed on the feeder road system without the consent of the board of county commissioners of the county in which the road lies. No state funds shall be expended for any part or parts of the secondary or feeder road system for construction or maintenance except as herein provided or unless hereafter specifically provided by law.

Approved March 13, 1945.

CHAPTER 200

H. B. No. 247
Introduced by Committee on Appropriations

HIGHWAY FUNDS TRANSFER, AUTHORIZED

An Act To provide for the transfer of a part of the unappropriated surplus now in the "Auto Transportation Fund" to the credit of the "Highway Operating Fund" in the State Treasury, and declaring an emergency.

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

§ 1. There is hereby transferred out of the unappropriated surplus now in the "Auto Transportation Fund" the sum of $25,000 to the credit of the "Highway Operating Fund" in the State Treasury.

§ 2. The state auditor and state treasurer shall make the transfer of the funds authorized hereby upon the records in their respective offices within a reasonable time after the effective date of this act.

§ 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 12, 1945.

CHAPTER 201

S. B. No. 125
Introduced by Committee on Appropriations

EXPENSES, COMPENSATION AND QUALIFICATIONS EMPLOYEES AND ENGINEER STATE HIGHWAY DEPARTMENT

An Act To mend and re-enact Section 24-0207 and Section 24-0214 of the Revised Code of North Dakota for 1943, relating to the payment of expenses of employees and to the qualifications and compensation of the Chief Engineer of the State Highway Department.

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

§ 1. AMENDMENT.] That Section 24-0207 of the Revised Code of North Dakota for 1943, be and the same is hereby amended and re-enacted to read as follows:

24-0207. EXPENSES OF STATE HIGHWAY DEPARTMENT EMPLOYEES.] In addition to the compensation received for their service, employees of the State Highway Department shall be entitled to receive their expenses actually and necessarily incurred in the performance of their duties, the amount of the expenses so allowed to be fixed and determined by the State Highway Commissioner.

§ 2. AMENDMENT.] That Section 24-0214 of the Revised Code of North Dakota for 1943, be and the same is hereby amended and re-enacted to read as follows:

24-0214. CHIEF ENGINEER: QUALIFICATIONS; SALARY.] The chief engineer shall be a competent civil engineer, a graduate of an approved engineering school, with at least five years' experience in highway and bridge construction, maintenance, and repair, or in case he shall not be a graduate of some college or school of engineering, he shall have at least ten years' experience in highway and bridge construction and maintenance. He shall serve at the pleasure of the state highway commissioner and shall be paid such compensation as the commissioner shall prescribe. He shall devote all his time and service to the state highway department and shall exercise such powers and perform such duties as may be prescribed by the State Highway Commissioner.

Approved February 28, 1945.

CHAPTER 202

S. B. No. 104
Introduced by Senator Nelson of McKenzie by request

MAINTENANCE AND OPERATION YELLOWSTONE RIVER BRIDGE IN MCKENZIE COUNTY

An Act Authorizing the State Highway Department to maintain, repair, operate and rent the bridge belonging to the Great Northern Railway Company across the Yellowstone River in McKenzie County, North Dakota.

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

§ 1. The State Highway Department is hereby authorized to maintain, repair, operate and pay rental for the use of the bridge belonging to the Great Northern Railway Company across the Yellowstone River in McKenzie County, North Dakota, and may charge the expenses for such maintenance, repair, operation and rental to the State Highway Maintenance Fund.

Approved February 28, 1945.

CHAPTER 203

S. B. No. 142
Introduced by Senators Braun, Frojen, Blank and Brant

STATE HIGHWAY COMMISSIONER, AUTHORIZED TO PURCHASE ITEMS FROM FEDERAL GOVERNMENT

An Act Authorizing the State Highway Commissioner to purchase equipment, materials and supplies from the United States Government, or its officers, agents, agencies, or corporations, without compliance with the provisions of 24-0219 of the North Dakota Revised Code of 1943.

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

§ 1. The State Highway Commissioner may, in his discretion, purchase equipment, materials, supplies or other personal property useful to the State Highway Department, from the United States Government, or any of its officers, agents, agencies or corporations, without compliance with the provisions of 24-0219 of the North Dakota Revised Code of 1943.

Approved March 9, 1945.

INSANE, FEEBLE-MINDED, TUBERCULAR, BLIND, AND DEAF

CHAPTER 204

S. B. No. 67
Introduced by Committee on Military and Indian Affairs

INSTITUTIONAL CARE, CHARGEABLE TO ESTATES AND PATIENTS

An Act To amend and re-enact Section 25-0825 of the North Dakota Revised Code of 1943, relating to recovery of expenses for institutional care from patients, estates of patients, and from Veterans, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 25-0825 of North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 25-0825. EXPENSES OF INSTITUTIONAL CARE CHARGEABLE

AGAINST ESTATE OF DECEASED PATIENT AND AGAINST PATIENT.] A claim for the expenses incurred by any county or by the state for the treatment and maintenance of any patient at the state hospital, the state school, or the state sanatarium may be filed against the estate of such patient after his death in the same manner and with the same effect as claims of general creditors are filed against estates of decedents. Such expenses may be recovered from a person who has been a patient in any such institutions after such person has been discharged from such institution as cured. If any such patient is a veteran who has received, who is receiving, or who is entitled to receive compensation, or pension from the Veterans Administration, such expenses shall be a current claim against such patient and may be recovered monthly by the Superintendent of the North Dakota State Hospital.

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

Approved March 13, 1945.

CHAPTER 205

S. B. No. 63
Introduced by Senators Flatt, Day, and Streibel

SUPERVISION STATE INSTITUTIONS

An Act To amend and re-enact Section 25-0102 of the North Dakota Revised Code of 1943, relating to the general control and management of the state hospital, the state school, the state sanatorium, blind asylum and school for the deaf.

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

§ 1. AMENDMENT.] That Section 25-0102 of the North Dakota Revised Code of 1943, be hereby amended and re-enacted to read as follows:

§ 25-0102. GENERAL SUPERVISION OVER STATE HOSPITAL, STATE SCHOOL, STATE SANATORIUM, BLIND ASYLUM, AND SCHOOL FOR DEAF.] The Board shall have general control and management of the state hospital, the state school, the state sanatorium, blind asylum and the school for the deaf. The Board shall make all by-laws, rules, and regulations, not inconsistent with the laws of this state, which are necessary for the government of such institutions, and for the admission of persons thereto and the parole and discharge of persons therefrom.

Approved February 20, 1945.

INSURANCE

CHAPTER 206

S. B. No. 127
Introduced by Senators Schrock, Reinke and Morgan

ACCIDENT OR SICKNESS INSURANCE POLICY RESTRICTIONS

An Act Invalidating any provision in any accident or sickness insurance policy denying the insured the right, in case of accident or sickness, to consult or employ the doctor, or to enter the hospital or sanitarium of his choice; and requiring the insurance company issuing the policy to recognize a proof of claim certified by such doctor or hospital.

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

§ 1. Any provision in any accident or sickness insurance policy issued by any insurance company licensed to do business in the State of North Dakota, denying the insured, in case of accident or sickness, to consult or employ any doctor licensed to practice in this state he may choose, or to enter any hospital or sanitarium organized and operating under the laws of this state he many [may] select shall be void; and any such insurance company is hereby required to recognize any proof of claim duly certified by such doctor or hospital or sanitarium notwithstanding any provision contained in such policy.

Approved March 12, 1945.

CHAPTER 207

S. B. No. 105
Introduced by Senators Peterson, Bridston and Lofthus

AUTHORIZING "LLOYDS" INSURANCE PLAN

An Act To authorize the Insurance Commissioner of the State of North Dakota to permit certain associations of individuals to transact insurance other than life in the State of North Dakota, and providing certain requirements with reference thereto, and providing such associations of individuals shall comply with Section 26-1423 of the North Dakota Revised Code of 1943, as far as the same is applicable.

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

§ 1. Associations of individuals, citizens of the United States,

whether organized within this state or elsewhere within the United States, formed upon the plan known as Lloyds, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy, may be authorized to transact insurance other than life in this state in such manner and on such terms as the insurance commissioner may direct providing that if such organization shall be possessed of cash on hand and securities of the underwriters satisfactory to the insurance commissioner after deducting all liabilities except insurance reserve, to the amount of not less than $250,000.00, and in addition thereto shall be possessed of guaranteed subscriptions or other securities of the underwriters satisfactory to the insurance commissioner to an amount of not less than $25,000.00, making a total of $500,000.00 so possessed, and if the net cash on hand shall be equal to the re-insurance reserve calculated on a basis of 50 percent of the premiums in force on policies running one year or less from date of policy, and a prorata amount on policies running more than one year from date of policy, except upon inland and marine risks, which shall be computed by charging 50 per cent of the amount of premium written in its policies upon yearly risks and upon risks covering more than one passage not terminated, and the full amount of premiums written in policies upon all other inland and marine risks not terminated, and such other reserves as may be required by law and the insurance commissioner, and if evidence shall be furnished to the insurance commissioner that the underwriters are men of good financial standing, responsible for their obligations, and that the organization does not issue policies of insurance on any one risk in greater sums than one-fifth of the aggregate of the cash paid in, the aforesaid securities and the subscriptions of the several underwriters or the amount to which they may become liable, unless the excess shall be provided by re-insurance, the commissioner shall license them under similar requirements as are made and prescribed in Section 26-1423 of the North Dakota Revised Code of 1943 for the admission of foreign mutual insurance companies so far as the same may reasonably apply.

Approved March 9, 1945.

CHAPTER 208

S. B. No. 53
Introduced by Senator Page

BENEVOLENT SOCIETIES; REGULATIONS

An Act To Amend and Re-enact Section 26-2501 of the North Dakota Revised Code of 1943, Relating to Benevolent Societies.

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

§ 1. AMENDMENT.] That Section 26-2501 of the North Dakota Revised Code of 1943 be, and the same is hereby amended and re-enacted to read as follows:

§ 26-2501. BENEVOLENT SOCIETIES AND JURISDICTION OF COMMISSIONER OF INSURANCE.] Benevolent societies, as defined in Section 26-2502, shall be under the jurisdiction of the commissioner of insurance and shall be and remain subject to all the laws, rules and regulations applicable to insurance companies transacting business within this state, except as specifically provided.

Approved March 13, 1945.

CHAPTER 209

S. B. No. 190
Introduced by Senator Bridston

CATASTROPHE INSURANCE WRITTEN ON BIDS

An Act To amend and reenact Section 26-2423 and Section 26-2424 and to repeal Section 26-2425 of the North Dakota Revised Code of 1943 relating to catastrophe insurance.

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

§ 1. AMENDMENT.] That Section 26-2423 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

26-2423. CATASTROPHE INSURANCE WRITTEN ON BIDS.] On or before the second Monday in July of 1943, and of each odd-numbered year thereafter, the commissioner of insurance shall publish in the official newspaper of Burleigh County, North Dakota, a notice that on the last Monday in July the insurance commissioner will accept bids for such catastrophe insurance at his office in the city of Bismarck. A copy of such notice also shall be posted at the

office of the fire and tornado fund. A copy of said notice shall also be mailed to each insurance company licensed to do business in the State of North Dakota. A schedule of all properties insured by the state fire and tornado fund shall be made available by the insurance commissioner to any person, firm, or corporation who may request the same. On said last Monday in July of each odd-numbered year, the commissioner of insurance shall contract for such excess catastrophe insurance from the company or group of companies submitting the lowest responsible and qualified bid therefor, for the two-year period commencing on the ensuing first day of August.

§ 2. AMENDMENT.] That Section 26-2424 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

26-2424. COMMISSIONER MAY MODIFY CATASTROPHE INSURANCE PROVISIONS.] If, for any reason, it is found impossible to secure catastrophe insurance exactly according to the stipulations in Section 26-2422, the commissioner of insurance may make whatever changes are necessary in these stipulations in order to secure catastrophe bids from insurance companies, but no loss shall be covered by such catastrophe insurance below one hundred thousand dollars. If the commissioner of insurance should find that insurance companies would not include the state mill and elevator, the twine and cordage plant, or any other extraordinary industrial risks of like nature owned by the state of North Dakota or any of its political subdivisions, he may secure reinsurance on such risks, over one hundred thousand dollars, through separate bids in the manner provided in Section 26-2423. The cost of either catastrophe insurance or reinsurance on extraordinary industrial risks shall be collected by the insurance commissioner from the industry or its governing board.

§ 3. REPEAL.] Section 26-2425 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 13, 1945.

CHAPTER 210

S. B. No. 85
Introduced by Senator Morgan

COUNTY MUTUAL INSURANCE COMPANIES, LIMITATIONS

An Act To amend and re-enact Section 26-1513 of the North Dakota Revised Code of 1943 relating to county mutual insurance companies: Terms of policy, property insurable.

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

§ 1. AMENDMENT.] Section 26-1513 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

26-1513. TERRITORIAL LIMITS OF COMPANY'S OPERATIONS: TERMS OF POLICIES: PROPERTY INSURABLE.] A company formed under the provisions of this chapter shall not insure any property beyond the limits of the territory comprised in the formation of the company except as provided in subsection 3 of Section 26-1502. Its policies shall be issued for not to exceed five years. No policy shall be issued covering property located within the platted limits of any incorporated municipality in this state. The company shall not insure other than:

1. Detached dwellings and their contents;
2. Farm buildings and their contents;
3. Country schoolhouses and the furniture, books and fixtures therein;
4. Country churches and the furniture and other contents thereof;
5. Automobiles, and a policy covering automobiles shall cover the same only when they are in buildings or on premises described in the policy;
6. Livestock on the premises of the owner or anywhere within the limits of the territory within which the company is authorized to operate;
7. Farm machinery and vehicles including threshing machines, combine threshers, and tractors, or other farmer owned property as described in the policy;
8. Hay or grain in stack on the premises of the owner thereof.

Policies issued by the company may cover loss or damage to livestock, harness, vehicles, and farm machinery while temporarily on or off the premises of the insured.

Approved March 9, 1945.

CHAPTER 211

S. B. No. 74
Introduced by Senators Lofthus and Peterson

COUNTY MUTUAL INSURANCE COMPANIES, ORGANIZATION

An Act To Amend and Re-enact Section 26-1501 of the North Dakota Revised Code of 1943, Relating to Organization of County Mutual Insurance Companies.

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

§ 1. AMENDMENT.] That Section 26-1501 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 26-1501. COUNTY MUTUAL INSURANCE COMPANY: ORGANIZATION; ORGANIZERS REQUIRED.] A corporation for mutual insurance against loss or damage by fire, lightning, cyclone, explosion, except the explosion of steam boilers and flywheels, riot, riot attending a strike, civil commotion, aircraft, vehicles and smoke to the property of the insured, or all of such forms of insurance, may be formed in accordance with the provisions of this chapter by:

1. Any number of persons, not less than fifty, residing in not more than ten counties in this state, who collectively own property of not less than one hundred thousand dollars in value which they desire to insure; or

2. Any number of persons, not less than twenty-five, residing in any one county in this state, who collectively own property of not less than twenty-five thousand dollars in value which they desire to insure.

3. No such company shall write insurance, insuring against loss by reason of bodily injury to a person or against legal liability of the insured arising out of the death or injury of any person, or against legal liability of the insured arising out of the loss or destruction of, or damage to, the property of any other person.

Approved March 10, 1945.

CHAPTER 212

S. B. No. 52
Introduced by Senator Page

EXPENSE FUNDS, BENEVOLENT SOCIETIES

An Act To Amend and Re-enact Section 26-2519 of the North Dakota Revised Code of 1943, Relating to the Expense Fund; Credits To; Levies For Benevolent Societies.

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

§ 1. AMENDMENT.] That Section 26-2519 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

26-2519. THE EXPENSE FUND; CREDITS TO; LEVIES FOR.] The membership fee of the society, which shall be not less than one dollar nor more than five dollars, may be used for expenses. The certificate of membership shall state the percentage of death assessments, not exceeding ten per cent, that may be used for expenses, and moneys received on such assessments, within the limitations herein stated, shall be credited to the expense fund. Expense fund assessments may be levied in accordance with the provisions therefor in the membership certificate in amounts not exceeding one dollar in any one calendar year.

Approved March 9, 1945.

CHAPTER 213

S. B. No. 209
Introduced by Senators Bridston, Thatcher and Page
(Approved by Delayed Bills Committee)

INSURANCE COMPANIES, EXAMINATION

An Act Amending and reenacting Section 26-0108 of the North Dakota Revised Code of 1943, relating to examinations of insurance companies, and fixing the compensation.

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

§ 1. AMENDMENT.] That Section 26-0108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

§ 26-0108. EXAMINATIONS; BY WHOM CONDUCTED; COMPENSATION TO BE PAID INTO STATE TREASURY.] All examinations of

insurance companies required or permitted by law to be conducted by the insurance commissioner and whether or not the same are so-called convention examinations, shall be conducted by qualified regular employees of the insurance commissioner, and their compensation which shall not exceed fifteen dollars ($15.00) per day, shall be paid out of the appropriation for that department. Any sums paid to said employees or to the insurance department or commissioner by the company or companies examined, as an examination fee or otherwise, shall be deemed to be state money, and forthwith shall be paid into the state treasury. Any sums paid to the employee or the department or commissioner as expense money for the examiner may be paid directly to the employee, and no employee may charge or collect from the state any expenses incurred in connection with any examination for or during which his expenses or any part thereof have been paid by any other person, firm, or corporation.

Approved March 14, 1945.

CHAPTER 214

H. B. No. 69
Introduced by Representatives Klefstad and Brady

LIABILITY INSURANCE FOR STATE AND POLITICAL SUBDIVISIONS AUTHORIZED

An Act Authorizing the state or any political sub-division thereof to procure liability and casualty insurance protecting the state or any such political sub-division or the employees thereof against claims for loss or damage arising from the operation of any motor vehicle.

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

§ 1.] From and after July 1, 1945, the State of North Dakota or any department, agency, bureau or the employees thereof as well as any county, city, village, or other political sub-division including townships, school and park districts, drainage and irrigation districts using or operating motor vehicles, is hereby authorized to carry insurance for its own protection and the protection of any employee from claims for loss or damage arising out of or by reason of the use or operation of such motor vehicle, whether such vehicle at the time the loss or damage in question occurred was being operated in a governmental undertaking or otherwise; provided, however, that any insurance carrier furnishing such insurance shall not be permitted to raise a defense of governmental immunity from liability for any damage or loss occasioned by any such vehicle or the operator thereof, which waiver shall be contained in the policy;

provided, further, that if a premium savings will result therefrom, such policies of insurance may be taken out for more than one (1) year, but in no event beyond a period of five (5) years.

Approved March 10, 1945.

CHAPTER 215

H. B. No. 159
Introduced by Committee on Insurance

STANDARD FIRE INSURANCE POLICY

An Act Amending and re-enacting Section 26-0340 of the North Dakota Revised Code of 1943, providing for a Standard Fire Insurance Policy for the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 26-0340 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 26-0340. STANDARD FIRE INSURANCE POLICY.] No policy or contract of fire insurance, including a renewal thereof, shall be made, issued, used or delivered by any insurer or by any agent or representative thereof, on property within this state other than such as shall conform in all particulars as to blanks, size of type, context, provisions, agreements and conditions with the 1943 Standard Fire Insurance Policy of the State of New York, a copy of which shall be filed in the office of the Commissioner of Insurance as standard policy for this State, and no other or different provision, agreement, condition or clause shall in any manner be made a part of such contract or policy or be endorsed thereon or delivered therewith, except as follows:

1. The name of the company, its location and place of business, the date of its incorporation or organization, and the state or county under which the same is organized, the amount of paid up capital stock, whether it is a stock or mutual company, the names of its officers, the number and the date of the policy, and appropriate company emblems may be printed on policies issued on property in this state, provided, however, that any insurer organized under special charter provisions may so indicate upon its policy, and may add a statement of the plan under which it operates in this state.
2. Printed or written forms of description and specifications or schedules of the property covered by any particular policy

and any other matter necessary to express clearly all the facts and conditions of insurance on any particular risk, which facts or conditions shall in no case be inconsistent with or a waiver of any of the provisions or conditions of the standard policy herein provided for, may be written upon or attached or appended to any policy issued on property in this state. Appropriate forms of supplemental contracts, contracts or endorsements, whereby the interest in the property described in such policy shall be insured against one or more of the perils which insurer is empowered to assume, may be used in connection with the standard policy. Such forms of contracts, supplemental contracts or endorsements attached or printed thereon may contain provisions and stipulations inconsistent with the standard policy if applicable only to such other perils. The first page of the standard policy may be rearranged to provide space for the listing of rates and premiums for coverages insured thereunder or under endorsements attached or printed thereon, and such other data as may be included for duplication on daily reports for office records.

3. A company, corporation or association organized or incorporated under and in pursuance of the laws of this state or elsewhere, if entitled to do business in this state, may with the approval of the Commissioner of Insurance, if the same is not already included in the standard form as filed in the office of the Commissioner of Insurance, print on its policies, any provision which it is required by law to insert therein, if said provision is not in conflict with the laws of this state or the United States, or of the provisions of the standard form provided for herein, but said provision shall be printed apart from the other provisions, agreements or conditions of the policy and in type not smaller than the body of the policy and a separate title, as follows: "Provisions required by law to be stated in this policy," and be a part of said policy.

4. There may be endorsed on the outside of any policy herein provided for the name, with the word "Agent or Agents" and place of business, of any insurance agent or agents, either by writing, printing, stamping or otherwise. There may also be added, with the approval of the Commissioner of Insurance, a statement of the group of companies with which the company is financially affiliated.

5. When two or more companies, each having previously complied with the laws of this state, unite to issue a joint policy, there may be expressed in head line of each policy the fact of the severalty of the contract; also the proportion of premiums to be paid to each company and the proportion of

liability which each company agrees to assume. And in the printed conditions of such policy the necessary change may be made from the singular to plural number, when reference is had to the companies issuing such policy.

6. Provided, however, that this section shall not apply to automobile insurance, and provided also that by and with the approval of the Insurance Commissioner, a combined farm policy may be used, the fire portion of which shall be substantially in accord with the fire insurance policy herein provided, but no policy or contract issued under the provisions of this Act shall contain a limitation of less than five years for the bringing of any suit or action thereunder.

7. That the standard form of policy herein provided for shall be construed as an interest policy and shall be so construed as to at all times protect the interest, whatever it may be, of any named insured. Provided, however, that a five day grace period shall be allowed after the execution of any written instrument transferring interest in insured property during which full protection shall be granted under the terms of the policy.

8. In case of other coverage on the same peril, the liability of each insurer shall not be for any greater amount or proportion of the loss than the ratio such insurance shall bear to the valid and collectible whole insurance covering the property against the peril involved.

§ 2.] This Act shall be effective on July 1, 1945, provided, however, that any company authorized to transact business in this state on and after July 1, 1945, which is issuing a form of fire policy not in conformity with this section may continue issuing the same for a period of one year next following such date, on condition that any such policy so issued shall be construed as subject to the provisions, stipulations, agreements and conditions of the said 1943 Standard Fire Insurance Policy of the State of New York and to the terms and conditions of the forms and endorsements added thereto.

§ 3.] Provided, however, that the Standard Fire Insurance Policy provided for herein shall be construed to be a Valid Policy as defined under the provisions of Section 26-0303 of the North Dakota Revised Code of 1943.

Approved March 10, 1945.

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 216

H. B. No. 57
Introduced by Representatives Johnson of Richland, Graham and Ohnstad

COURT REPORTERS SALARY AND EXPENSES

An Act To amend and re-enact section 27-0602 of the North Dakota Revised Code of 1943 providing for the salary and expenses of court reporters.

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

§ 1. AMENDMENT.] That Section 27-0602 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 27-0602. SALARY AND EXPENSES OF COURT REPORTERS.] Each court reporter shall receive a salary of three thousand dollars per annum, payable in equal monthly installments by the counties constituting the judicial district in which such reporter is employed. Such salary shall be apportioned according and in proportion to the number of suits entered and commenced in the district court of the respective counties of such district in the preceding year. The presiding judge of each judicial district, on the first day of January of each year, or as soon thereafter as may be, shall apportion the amount of such salary to be paid by each county in his district on the basis aforesaid, and the county auditors of the respective counties in such judicial district shall issue to the order of such court reporter a warrant for the amount shown to be due by such apportionment. As reimbursement for expenses incurred in the performance of official duties outside of the county where the district court chambers are situated, the court reporter shall receive for actual living expenses a sum not to exceed five dollars per day and his actual transportation expenses. Such sums shall be paid monthly by the county wherein such court reporter is attending to such official duties, upon the order of the district judge issued upon itemized statements submitted to him.

Approved February 17, 1945.

CHAPTER 217

S. B. No. 49
Introduced by Committee on Judiciary

RETIREMENT OF DISTRICT JUDGES

An Act Providing for the retirement of District Court Judges, providing the manner of making application, compensation in case of retirement, method of filling such vacancy, and declaring an emergency.

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

§ 1. RETIREMENT OF DISTRICT COURT JUDGES.] Whenever a judge of the District Court in this state shall become unable because of permanent disability from performing the judicial duties of his office during the remainder of his term of office and shall make a written application to the Governor for his retirement, setting forth the nature and extent of such disability, the Governor shall make such investigation as he shall deem advisable, and if he shall thereby determine that such disability exists, and that public service is injured and will continue to be injured by reason of such disability, he shall thereupon by written order, to be filed in the office of the Secretary of State, direct the retirement of such judge for the unexpired portion of the term for which such judge was elected, which retirement shall create a vacancy in said office which shall be filled by appointment as provided by law.

Provided, that when the disability is mental and to an extent that renders such judge incompetent to make such application, the same may be made by the legally appointed guardian of such judge.

§ 2. COMPENSATION.] When a judge of the District Court shall be retired under the provisions of this act, he shall receive the compensation allotted to his office for the remainder of his said term.

§ 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 10, 1945.

JUDICIAL PROCEDURE, CIVIL

CHAPTER 218

S. B. No. 203
Introduced by Committee on Judiciary

ADMINISTRATIVE AGENCIES, RULES OF PROCEDURE

An Act Amending and re-enacting subdivision 1 of Section 28-3205 of the Revised Code of North Dakota for 1943, pertaining to rules of procedure before administrative agencies, and declaring an emergency.

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

§ 1. AMENDMENT.] That subdivision 1 of Section 28-3205 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

1. In all proceedings brought before an administrative agency having jurisdiction of the subject-matter, the petitioner, or the administrative agency when acting upon its own initiative, shall prepare and file a clear and concise statement or complaint with the agency having jurisdiction of said proceeding. Said complaint shall contain a concise statement of the claims or charges upon which the petitioner relies, and the relief sought. Upon the filing of such complaint, the appropriate administrative agency shall issue a notice for hearing, which shall fix the time and place for trial thereof upon its merits. Said notice shall inform the party proceeded against that unless an answer to such complaint is served upon the petitioner and agency giving such notice at least three days before the time specified for hearing therein that the complaint will be deemed admitted, and that the agency will enter such order as the facts and law may warrant. A true copy of the complaint and notice of hearing shall be served upon the respondent personally, or by registered mail, as the agency may direct, at least twenty days before the time specified for hearing thereof unless the service of such complaint or notice of hearing is waived, in writing, by the party proceeded against, or unless the parties agree upon a definite time and place for hearing thereof with the consent of the agency having jurisdiction. PROVIDED, HOWEVER, that in case of an emergency the agency, in its discretion, may notice a proceeding for hearing upon the merits upon less than twenty days' notice. Every party to such proceeding shall be given a reasonable time within which to prepare for such hearing, which may be extended by the agency upon good cause being shown by the applicant therefor.

§ 2. EMERGENCY.] This act is hereby declared to be an emer-

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

Approved March 13, 1945.

CHAPTER 219

H. B. No. 52
Introduced by Representatives Ohnstad and Johnson of Richland

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ADMINISTRATIVE AGENCIES, UNIFORM RULES OF PRACTICE IN HEARINGS AND INVESTIGATIONS

An Act Amending and re-enacting Section 28-3208 of the North Dakota Revised Code of 1943, relating to prescribing uniform rules of practice for administrative agencies from the determination of which an appeal to the Court is provided; and to provide a uniform method of reviewing determinations of administrative agencies by the Courts.

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

§ 1. AMENDMENT.] That Section 28-3208 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

§ 28-3208. SPECIFICATIONS OF ANY ISSUES TO BE FURNISHED BY AGENCY.] Whenever an administrative agency, pursuant to authority conferred upon it by law, shall institute an investigation upon its own motion or without the filing of a specified complaint, or shall hold any hearing or make any independent investigation upon the claim or request of any person, no decision shall be made by the agency until all parties in interest shall have been furnished with a written specification of the issues which are to be considered and determined, nor until an opportunity shall have been afforded to such parties to present evidence and to be heard upon the precise issues so specified. Provided, however, that the Commissioners of the Workmen's Compensation Bureau may make awards without the giving of the notice herein provided for.

Approved February 17, 1945.

CHAPTER 220

H. B. No. 278
Introduced by Delayed Bills Committee

DIRECTED VERDICTS

An Act To Amend and Re-enact Section 28-1509 and Section 28-1510 of the North Dakota Revised Code of 1943 (Vol. 3), Relating to Directed Verdicts, and Judgment Notwithstanding Verdict in Civil Actions, in the District Court, and Declaring an Emergency.

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

§ 1. AMENDMENT.] Section 28-1509 and Section 28-1510 of the North Dakota Revised Code of 1943 (Vol. 3), are hereby amended and re-enacted to read as follows:

28-1509 and 28-1510. MOTION FOR DIRECTED VERDICT, AND JUDGMENT NOTWITHSTANDING VERDICT.] When at the close of the testimony any party to the action moves the court to direct a verdict in his favor, and the adverse party objects thereto, such motion shall be denied and the Court shall submit to the jury such issue or issues, within the pleadings on which any evidence has been taken, as either or any party to the action shall request, but upon subsequent motion, by such moving party after verdict rendered in such action, that judgment be entered notwithstanding the verdict, or if the jury have failed to agree upon a verdict, for a directed verdict, the Court shall grant the same if, upon the evidence as it stood at the time such motion to direct a verdict was made, the moving party was entitled to such directed verdict. An order for judgment notwithstanding the verdict may also be made on a motion in the alternative form asking therefor, or if the same be denied, for a new trial. Such motion, singly or in the alternative, may be made either before or after entry of judgment. The ruling on the motion for a directed verdict may be reviewed by the Supreme Court without a motion for judgment notwithstanding the verdict or a motion in the alternative for such judgment or for a new trial having been first made in the trial court. If the motion for judgment notwithstanding the verdict be denied, the Supreme Court, on appeal from the judgment, may order judgment to be entered, when it appears from the testimony that a verdict should have been so directed; and it may also so order on appeal from the whole order denying such motion when made in the alternative form whether a new trial was granted or denied by such order.

§ 2. The terms and provisions of this act shall apply to any and all actions pending in any of the courts of the State.

§ 3. EMERGENCY.] An emergency is hereby declared to exist

and, therefore, this act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1945.

CHAPTER 221

H. B. No. 276
Introduced by Delayed Bills Committee

NOTE OF ISSUE, CONTENTS, NOTICE AND ORDER OF TRIAL

An Act To amend and Re-enact Section 28-1208 of North Dakota Revised Code of 1943, volume 3, Relating to, Note of Issue, Contents, Notice of Trial, Order of Trial, and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 28-1208, North Dakota Revised Code of 1943, volume 3, be hereby amended and re-enacted to read as follows:

28-1208. NOTE OF ISSUE, CONTENTS, NOTICE OF TRIAL, ORDER OF TRIAL.] At any time after issue and at least ten days before the court, either party may give notice of trial. The party giving the notice shall furnish the clerk, at least eight days before the court, with a note of issue containing the title of the action, the names of the attorneys and the time when the last pleading was served, and the clerk shall thereupon enter the cause upon the calendar according to the date of the issue. The party upon whom notice of trial is served may also file the note of issue and cause the action to be placed on the calendar without further notice on his part. There need be but one notice of trial and one note of issue and the action must then remain on the calendar until disposed of. Either party, after the notice of trial—whether given by himself of by the adverse party—may bring the issue to trial. The issues on the calendar shall be disposed of in the following order unless, for the convenience of parties or the dispatch of business, the court shall otherwise direct:

1. Issues of fact to be tried by a jury.
2. Issues of fact to be tried by the court.
3. Issues of law.

§ 2. EMERGENCY.] 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 12, 1945.

CHAPTER 222

H. B. No. 277
Introduced by Delayed Bills Committee

SPECIAL VERDICTS AND FINDINGS, HOW PREPARED

An Act To Amend and Re-enact Section 28-1502 of North Dakota Revised Code of 1943, volume 3, Relating to Special Verdict, and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 28-1502 is hereby amended and re-enacted to read as follows:

28-1502. WHEN SPECIAL VERDICTS DIRECTED; SPECIAL FINDINGS; HOW PREPARED.] The Court in its discretion may upon the request of either party direct the jury to find a special verdict. Such verdict shall be prepared by the court in the form of questions in writing, which shall be confined to matters involving the merits of the case and shall admit of direct answer. Such questions shall be submitted by the court to the parties at or before the close of the testimony, and the court must incorporate therein such additional questions, of like character, as shall be demanded by either party, and the jury shall make their answers thereto in writing. The Court may also direct the jury, if they render a general verdict, to find in writing upon any particular question of fact, to be stated as aforesaid.

In every action for the recovery of money only or of specific real property, the jury may in their discretion, when not otherwise directed by the court render a general or special verdict. The special verdict or finding must be filed with the clerk and entered upon the minutes. When the special findings of fact are inconsistent with the general verdict, the former controls the latter and the court must give judgment accordingly.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1945.

JUDICIAL PROCEDURE, PROBATE

CHAPTER 223

H. B. No. 102
Introduced by Representative Johnson of Cass

APPRAISERS, APPOINTMENT, OATH; COMPENSATION

An Act To amend and re-enact Section 30-1507 of the North Dakota Revised Code of 1943, providing for the appointment of appraisers, prescribing the oath and fixing their compensation.

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

§ 1. AMENDMENT.] Section 30-1507 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 30-1507. APPRAISERS TO BE APPOINTED. OATH. COMPENSATION.] To make the appraisement the judge must appoint three competent and disinterested persons any two of whom may act. The appointment may be made by order at any time. A notice of the appointment must be issued upon which before entering upon their duties the appraisers must each subscribe an oath administered by a competent officer to the effect that he will truly and impartially according to the best of his ability appraise the property of the decedent and discharge all other duties required by him as such appraiser. If any portion of the property is in another county the same appraisers may serve or others may be appointed in that county. The notice and oath of the appraisers must be returned with the inventory together with a verified statement of their services and expenses. They shall be allowed a reasonable compensation for their services and the amount of their necessary expenses as may be fixed or approved by the court, to be paid by the executor or administrator as expenses of the administration.

Approved February 17, 1945.

CHAPTER 224

S. B. No. 71
Introduced by Committee on Military and Indian Affairs

COMPENSATION OF GUARDIANS FOR VETERANS

An Act To amend and re-enact Section 30-2313 of Chapter 30-23 of the North Dakota Revised Code of 1943, fixing the compensation of Guardians of incompetent veterans and of minor children of disabled or deceased veterans, and prescribing the procedure for allowance of the same; declaring an emergency.

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

§ 1. AMENDMENT.] That Section 30-2313 of Chapter 30-23 of the North Dakota Revised Code of 1943 be, and the same hereby is, amended and re-enacted to read as follows:

30-2313. COMPENSATION OF GUARDIANS. PROCEEDINGS FOR ALLOWANCE.] Unless the County Court determines that special services were performed by the guardian, the compensation payable to guardians under the provisions of this chapter shall not exceed five percent (5%) of the income of the ward during any one year. In computing the same, the corpus of an estate received from a preceding guardian shall not be included as income. Provided, however, that when the ward's estate includes personal property, securities or other investments, the County Court may allow the guardian compensation for the safekeeping and management of such property and investments, but such compensation shall not exceed two-fifths of one percent per annum of their value. If the County Court allows the guardian the maximum amount for the safekeeping and management of personal property and investments, the court shall not allow the guardian any compensation on the income collected on the same during the accounting period. In the event that the estate of the ward includes real estate, either city property or farm land, the County Court may allow the guardian such compensation for the supervision and management of such real estate as is commensurate with the services rendered at the prevailing rate paid for such services in the locality where such property is situated. If the compensation of a guardian, as provided for in this section, amounts to less than twenty-five dollars ($25.00) for any year, the County Court may, in its discretion, allow the guardian compensation in the amount of twenty-five dollars ($25.00) for such year. The guardian shall petition for allowance of such compensation either by special petition or as a part of any petition for the allowance and approval of an account. Notice of such petition and of the time and place of hearing thereon shall be given to the proper office of the Adminstration in the manner provided in Section 30-2311. The guardian may be allowed from the estate of his ward

reasonable premiums paid by him to any corporate surety upon his bond. No bond shall be required of any guardian which qualifies as a trust company in North Dakota, under Chapter 6-05 of the North Dakota Revised Code of 1943.

§ 2. 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 13, 1945.

CHAPTER 225

H. B. No. 118
Introduced by Committee on Judiciary

PERSONS ENTITLED TO LETTERS OF ADMINISTRATION

An Act To amend and re-enact Section 30-0802 of the North Dakota Revised Code of 1943, relating to persons entitled to Letters of Administration.

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

§ 1. AMENDMENT.] Section 30-0802 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted as follows:

30-0802. LETTERS OF ADMINISTRATION: PERSONS ENTITLED TO.] Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, and they are entitled to letters in the following order:

1. The surviving husband or wife;
2. The children;
3. The father or mother;
4. The brothers;
5. The sisters;
6. The grandchildren;
7. The next of kin entitled to share in the distribution of the estate;
8. If the deceased left heirs in any foreign country, to the consul or other representative of such country, if he resides in this state and has filed a copy of his appointment with the secretary of state, or to the nominee or nominees of such consul or representative;
9. The creditors;
10. Any person legally competent;
11. The public administrator of the county wherein there is property of the decedent which remains unadministered.

Approved March 13, 1945.

CHAPTER 226

H. B. No. 116
Introduced by Committee on Judiciary

PROPERTY OF DECEASED PERSONS OF FOREIGN COUNTRIES

An Act Relating to property of deceased persons and providing for the payment or delivery thereof to certain representatives of certain foreign countries.

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

§ 1. PROPERTY OF DECEASED PERSONS TO BE TRANSFERRED TO REPRESENTATIVES OF FOREIGN COUNTRIES IN CERTAIN CASES.] Whenever a person who is declared by a decree of a county court to be entitled to property in an estate is a citizen of and resident in a foreign country with the government of which the United States maintains diplomatic relations, the representative of the estate may deliver or pay the property to an accredited diplomatic or consular representative of the government of such foreign country for delivery or payment to the person declared entitled thereto. If such money has been deposited with the county treasurer, the county court upon application shall grant its order authorizing and directing the county auditor to issue his warrant to the county treasurer to pay the money or deliver the property to the accredited diplomatic or consular representative. The representative of the estate or the county treasurer shall be discharged from his trust and all further liability thereunder when the receipt of the diplomatic or consular representative for such property has been filed with the county court, if such diplomatic or consular representative has been licensed by proper federal authority to receive the property of the nationals of such country, where such license is required.

§ 2. APPLICATION OF ACT.] This act shall not apply where the citizen of and resident in the foreign country has appeared in person or by duly authorized representative other than the diplomatic or consular representative.

Approved February 27, 1945.

CHAPTER 227

S. B. No. 129
Introduced by Senators Day and Kehoe

SERVICE OF CITATION BY PUBLICATION

An Act To amend and re-enact Section 30-0210 of the North Dakota Revised Code of 1943 providing the method for service of citation by publication in county court, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 30-0210 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

30-0210. SERVICE OF CITATION BY PUBLICATION; MAILING COPY OF NOTICE.] A citation in county court may be served by publication upon a respondent residing outside the county whether residing within or without the state, but service by publication upon any such party shall not be necessary if he has been served personally in the manner prescribed by Section 30-0209. Such service by publication shall be made by publishing the citation once each week, for two successive weeks, in some newspaper printed in the county, if there is one, and if none is printed in the county, then a newspaper printed in an adjoining county in the state. Service shall be deemed complete with the last publication. Ten days shall elapse thereafter before the day of hearing. In case of service by publication, the petitioner or his attorney, at least ten days prior to the date of hearing, shall cause to be mailed to each respondent whose address is known, a copy of the citation published. An affidavit of mailing shall be sufficient proof of such mailing. No defect in any notice, nor in the publication or service thereof, shall invalidate any proceedings.

§ 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.

Approved March 9, 1945.

CHAPTER 228

H. B. No. 117
Introduced by Committee on Judiciary

SERVICE UPON FOREIGN HEIRS

An Act To amend and re-enact Section 30-0213 of the North Dakota Revised Code of 1943, relating to service upon foreign heirs.

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

§ 1. AMENDMENT.] Section 30-0213 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted as follows:

30-0213. SERVICE UPON FOREIGN HEIRS.] If it shall appear that a deceased resident of any of the States of the United States of America, left heirs, devisees, or legatees in any foreign country, the petitioner in any proceeding in county court, his attorney or agent, at least fourteen days prior to the date fixed for any hearing in the proceedings, shall give notice, by mail, of such hearing to the consul or other representative of such foreign country, if he resides in this state and has filed a copy of his appointment with the secretary of state, or to the nominee or nominees of such consul or representative. If there is no consul or other representative of such country in this state, then such notice shall be given to the chief diplomatic representative of such country at Washington, D. C., or to the secretary of state at Bismarck, North Dakota, who shall forward the same to such representative.

Approved March 13, 1945.

JUDICIAL REMEDIES

CHAPTER 229

S. B. No. 196
Introduced by Senators Brunsdale and Day

FORECLOSURE OF REAL ESTATE TAX LIENS

An Act To amend and reenact sections 32-3101, 32-3103 and 32-3106 of the North Dakota Revised Code of 1943, providing that District Courts shall have Jurisdiction in the Foreclosure of Tax liens upon real property, prescribing the procedure in such cases; providing that such remedy shall be cumulative.

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

§ 1. AMENDMENT.] That Section 32-3101 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

32-3101. In any case in which real estate has been sold at tax sale for general taxes, for special assessments, for hail indemnity taxes, for assessments of irrigation districts, for drain assessments, or for both general taxes and any such special taxes or assessments, the District Court of the proper county shall have jurisdiction in an action in equity brought for that purpose to foreclose the lien of the delinquent taxes and assessments for which such land was sold and to enter judgment foreclosing the same and decreeing that the same shall be sold under special execution in a manner similar to that prescribed in case of the foreclosure by action of a mortgage or other lien upon real property.

If in such action it shall appear that the taxes or assessments, or the tax certificate, are invalid or void by reason of non-compliance with the law, the Court shall determine the true and just amount which the property attempted to be so assessed should pay to make the same uniform with other taxes and assessments for the same purpose, and judgment must be rendered and given against the property liable for such taxes or assessments without regard to the proceedings had for the levy thereof, and such judgment shall be a lien upon the property upon which the taxes or assessments shall have been levied, of equal force and effect as the lien of the tax or assessment, and the lien of such judgment shall be enforced by the Court in such action.

§ 2. AMENDMENT.] That Section 32-3103 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

32-3103. An action to foreclose a tax lien may be brought by the purchaser at tax sale or his successor in interest and such tax sale shall be held to have assigned, transferred and conveyed to the purchaser and his successors in interest the lien of the taxes included therein and all subsequent taxes paid by the purchaser or his successors in interest. In case such land, at such tax sale, was struck off to the county, such action shall be brought in the name of the county in which such real estate is situated as plaintiff, and may be instituted by the attorney general or by the state's attorney of such county.

§ 3. AMENDMENT.] That Section 32-3106 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

32-3106. If redemption is not made from the execution sale, sheriff's deed, at the expiration of the period of redemption, shall be issued to the county, and the board of county commissioners shall dispose of the land by sale as in other cases. Out of the proceeds of such sale, after paying the costs of such action and of the sale, there shall be paid all general taxes, or if the sum realized is not sufficient to pay all general taxes, then the county auditor shall apportion the amount realized ratably among the state and the several interested taxing districts. Irrigation District Assessments and hail insurance taxes shall be considered general taxes in making such apportionment. After paying all general taxes, such portion of the balance as may be necessary shall be applied in payment of special assessments, or if the amount is not sufficient to pay special assessments in full, then the amount available shall be apportioned ratably among the special assessment funds entitled to share therein. Any balance remaining after the payment of all costs, general taxes, irrigation district assessments, hail insurance taxes, and special assessments shall be paid into the general fund of the county.

Approved March 13, 1945.

LABOR AND EMPLOYMENT

CHAPTER 230

H. B. No. 114
Introduced by Representatives Saumur, Blair, and Schnell

OVERTIME, TIME LIMIT FOR ACTION TO RECOVER

An Act Limiting the time within which actions may be brought to recover overtime or premium pay or penalties on wages required or authorized by any statute, to a period of one year after the accrual of the right to such pay, and declaring an emergency.

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

§ 1. That all suits and actions for the recovery of overtime, damages, fees or penalties accruing under laws respecting the payment of wages, and specifically under the Act of Congress known as the Fair Labor Standards Act of 1938, as same has been or may hereafter be amended, and all other similar Acts shall be brought within one year after the accrual of such cause of action, and all such causes of action accruing prior to the date hereof shall be brought within one year after passage of this Act. This act shall not affect suits pending at the time of its passage.

§ 2. Any laws in conflict herewith are hereby to the extent of the conflict repealed.

§ 3. 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 17, 1945.

LIVESTOCK

CHAPTER 231

H. B. No. 141
Introduced by Committee on Appropriations

LICENSE FEES RENDERING PLANTS TO BE CREDITED TO GENERAL FUND

An Act To amend and re-enact Section 36-0712 of the North Dakota Revised Code of 1943 relating to fees for licensing rendering plants.

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

§ 1. AMENDMENT.] That Section 36-0712 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

36-0712. MONEY COLLECTED; WHERE CREDITED.] Money collected under this chapter shall be deposited with the State Treasurer to the credit of the General Fund.

§ 2. Any and all moneys now in the State Treasury to the credit of the livestock sanitary board in the rendering plant fund are hereby transferred to the State General Fund.

Approved February 27, 1945.

MILITARY

CHAPTER 232

S. B. No. 72
Introduced by Senate Committee on Military and Indian Affairs

ACCEPTING FRAINE BARRACKS AS FEDERAL GRANT

An Act Accepting from the United States the Lands and Improvements Comprising the Bismarck Indian School Plant, to be known as Fraine Barracks; and Declaring an Emergency.

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

§ 1. ACCEPTANCE OF GRANT.] The State of North Dakota hereby accepts from the United States of America the lands and im-

provements comprising the Bismarck Indian School Plant, as authorized by Public Law 502 of the 78th Congress, which shall hereafter be known as, "Fraine Barracks," in honor of the late Brig. Gen. John A. Fraine.

§ 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.

Approved March 10, 1945.

CHAPTER 233

H. B. No. 213
Introduced by Representative Johnson of Cass

ADJUTANT GENERAL, APPOINTMENT AND SALARY

An Act Amending and re-enacting Section 37-0301 of the North Dakota Revised Code of 1943 relating to the office of the Adjutant General.

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

§ 1. AMENDMENT.] That Section 37-0301 be amended and re-enacted to read as follows:

37-0301. ADJUTANT GENERAL: APPOINTMENT; QUALIFICATIONS; TERM; SALARY; OFFICE AT CAPITOL; REMOVAL.] The adjutant general shall be appointed by the governor, and shall have been a federally recognized commissioned officer of the national guard for a period of at least three years immediately preceding his appointment. His term of office shall be for six years and shall commence on July 1, 1941 and on every sixth anniversary thereof. Any vacancy in such office may be filled by the governor, but an appointment to fill a vacancy shall be made only for the unexpired term. The salary of the adjutant general shall be thirty-three hundred dollars per annum. He shall have his office at the state capitol. The provisions of chapter 4 of this title relating to the vacation of commissions, retirement, and discharge shall apply to the adjutant general.

Approved March 14, 1945.

CHAPTER 234

H. B. No. 105
Introduced by Representative Stormon

CAMP GRAFTON, CONTROL AND MAINTENANCE

An Act Providing for the Control of Camp Gilbert C. Grafton, Ramsey County, North Dakota, and Creating a Maintenance and Improvement Fund.

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

§ 1. ADJUTANT GENERAL TO CONTROL CAMP GILBERT C. GRAFTON. MAINTENANCE FUND.] The Adjutant General of the State of North Dakota shall have full control of Camp Gilbert C. Grafton, Ramsey County, North Dakota; provided that all moneys received from the sale of timber, stone, agricultural products or other material taken from the grounds shall be paid into the State Treasury, and kept as a separate fund for the improvement of the property for military uses and shall be paid out upon proper vouchers approved by the Adjutant General in accordance with the act of the Congress of the United States granting the lands to the State of North Dakota.

Approved March 14, 1945.

CHAPTER 235

S. B. No. 35
Introduced by Senators Day, Dahlen and Raschko

CERTIFIED COPIES FREE TO VETERANS

An Act Providing for furnishing veterans, or their representatives, without charge of copies of public records; exempting officers from certain accountability, repealing all acts in conflict, and declaring an emergency.

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

§ 1. If a copy of any public record is required by any veterans, or his guardian, dependent, or representative in connection with an application for benefits made available by Federal or State Laws, the official charged with the custody of such public record, without charge, shall provide a certified copy of such record upon request.

§ 2. If any public official has issued certified copies of any such record as provided in Section 1 of this Act, prior to the effective

date hereof, such official shall in that case not be held accountable for fees not collected.

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

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

Approved February 23, 1945.

CHAPTER 236

S. B. No. 68
Introduced by The Committee on Military and Indian Affairs

COUNTY VETERANS SERVICE OFFICER

An Act To amend and re-enact Chapter 30 of the authenticated edition of the Acts of the 1944 Special Session of the Twenty-eighth Legislative Assembly House Bill No. 24 authorizing the board of county commissioners to appoint, employ, and pay a county veterans' service officer under the supervision of the Veterans' Service Commissioner to assist returning members of the armed forces in the solution of their problems, and declaring an emergency.

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

§ 1. AMENDMENT.] Chapter 30 of the authenticated edition of the Acts of the 1944 Special Session of the twenty-eighth Legislative Assembly House Bill No. 24 is hereby amended and re-enacted to read as follows:

§ 2. The board of county commissioners of each county in the state of North Dakota is hereby authorized to appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer whose duty it shall be to acquaint himself with the laws, both state and federal, enacted for the benefit of returning servicemen and to assist such returning members of the armed forces in the presentation, proof, and establishment of such claims, privileges, and rights as they may have. It also shall be the duty of the county veterans' service officer, under the supervision of the Veterans' Service Commissioner, to actively cooperate with and to co-ordinate the activities of state and federal agencies within the county which he serves to facilitate their operation and insure promptness in the solution of the problems concerned with the re-establishment of returning servicemen and women in civilian pursuits.

§ 3. The county veterans' service officer shall be paid such monthly salary for full-time or part-time work together with traveling expenses as the board of county commissioners shall deem commensurate with the needs of the situation.

§ 4.. 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 13, 1945.

CHAPTER 237

H. B. No. 107
Introduced by Veterans and Military Affairs Committee

DEPARTMENT OF VETERANS AFFAIRS

An Act Creating a department of veterans affairs and defining the scope thereof; establishing the office of commissioner of veterans' affairs; providing the qualifications, the manner of appointment, duties and salary of such officer, and prescribing his duties.

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

§ 1. There is hereby established a Department of Veterans' Affairs under the supervision and control of a Commissioner known as Commissioner of Veterans' Affairs, hereinafter referred to as the Commissioner.

§ 2. QUALIFICATIONS AND APPOINTMENT.] Such Commissioner shall be appointed by the Governor of the State of North Dakota and such appointment shall be given to one of three persons selected by a committee composed of the Department Commander of the United Spanish War Veterans, Department of North Dakota, the Department Commander of the Veterans of Foreign Wars of the United States, Department of North Dakota, the Department Commander of the American Legion, Department of North Dakota, the Department Commander of Disabled American Veterans of the World War, Department of North Dakota, and the Adjutant General of the State of North Dakota, or a majority thereof. Any person to be eligible for appointment as such Commissioner shall be an actual and bona fide resident of North Dakota, and shall possess an honorable discharge from the Armed Forces of the United States. His term of office shall be for two years and shall commence on July 1, 1945 and on every second anniversary thereof; he shall furnish a surety bond in the sum of five thousand dollars.

§ 3. ADVISORY COMMITTEE.] The Governor shall appoint a

Committee of not less than seven nor more than fifteen members to be made up of representatives of all veterans' organizations chartered by the Congress of the United States and representatives of state and federal agencies directly concerned in the program of re-establishment of returned veterans. Such Committee shall serve in an advisory capacity to the Department of Veterans' Affairs. The members of the Committee shall serve without compensation and at the pleasure of the Governor.

§ 4. DUTIES.] It shall be the duty of the Commissioner to coordinate agencies or instrumentalities of the State set up to render service and benefits to returning veterans; to have charge of and implement programs and benefits authorized by statute; to assist veterans in processing claims; to advise and assist veterans in taking advantage of the provisions of the Servicemen's Readjustment Act of 1944; or any similar or related measures afforded by the Federal Government; to assist, supervise, advise and direct the work of County Service Officers; to assist County Service Officers in the formation of County Service to Veterans' Committees and to outline, assist and direct the activities of such committees; to disseminate information and to do any and all things necessary and proper for the purpose of carrying out the intent and purposes of this Act.

§ 5. SEAL OF COMMISSIONER; POWER TO ADMINISTER OATHS AND MAKE CERTIFICATIONS.] The Commissioner shall have a seal of office and may administer oaths and take acknowledgments in connections with the prosecution of any claim for compensation, hospitalization, insurance, or other aid or benefits. Such commissioner may certify to the correctness of any document or documents which may be submitted in connection with any such application.

§ 6. ESTABLISHMENT OF DIVISIONS, ASSISTANTS.] The Commissioner is hereby authorized and empowered to establish within his department a claims division, a loan division, a field division and such other divisions as from time to time may become necessary to carry out the purposes of the Act; to appoint such assistants as may be necessary and to prescribe regulations and rules of procedure.

§ 7. COMPENSATION AND EXPENSES.] The Commissioner shall receive a salary of $4200.00 per annum. He shall be allowed such amounts for travel, clerkhire and expenses as may be prescribed from time to time by legislative appropriations.

§ 8. OFFICE OF COMMISSIONER; WHERE LOCATED.] The office of the Commissioner shall be located in the same city as the principal office of the Veterans' Administrator for this State. If the Veterans' Administrator is removed from the state, such commissioner's office shall be located in the State Capitol building.

§ 9. The Department of Veterans' Affairs constitutes a continuation of the former office of Veterans' Service Commissioner and

not a new authority and any duty, power or obligation assigned or delegated to the Veterans' Service Commissioner shall be deemed to be transferred to and assumed by the Commissioner of Veterans' Affairs who shall be subrogated to all the rights and duties of the Veterans' Service Commissioner.

§ 10. All unexpended funds appropriated or made available to the office of the Veterans' Service Commissioner for the purpose of any of its functions, powers, or duties, which are transferred by this act to the Department of Veterans' Affairs, are hereby transferred to the latter.

Approved February 27, 1945.

CHAPTER 238

H. B. No. 104
Introduced by Representatives Fitch, Crockett, Seve and Graham

EMPLOYMENT PREFERENCE VETERANS

An Act Providing for Preference for Returned Veterans in Employment on All Public Works and Providing means for Enforcing the Right, and declaring an Emergency.

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

§ 1. In each public department and upon all public works of the State of North Dakota and of the counties, cities or villages therein, honorable discharged members of the Armed Forces who have defended this nation in time of war, or their widows, or their wives when the veteran is wholly incapacitated by reason of disabilities not resulting from his own vicious habits, shall be preferred for appointment, and age, loss of limb or other physical impairment which does not in fact incapacitate the persons from performing the duties of the positions sought, shall not disqualify them, if they possess the requisite qualifications and business capacity to discharge the duties of the positions involved. Provided further, that to be eligible under the provisions of this Act the person applying shall be a citizen of the United States and shall have been a resident of the State of North Dakota at the time of his or her induction or enlistment in the armed forces and where a county, city or village appointment is involved the applicant shall have been a resident of such political subdivision for at least six months immediately preceding the appointment sought.

§ 2. A vacancy shall be considered to exist under the provi-

sions of this Act whenever the term of the incumbent expires by reason of death, resignation, dismissal for cause or the expiration of the tenure of appointment requiring a new appointment. The replacement of an incumbent by a veteran, widow or wife without such event occurring is not contemplated by the provisions of this act.

§ 3. EXCEPTIONS.] Excepted from the provisions of this Act are the personal staff of the Governor and the first assistant or deputy of an elected department head plus the personal secretary of each elected official. There shall also be excepted from the operation of this act any temporary investigating committee or group appointed by the Governor or the Legislative Assembly. This Act shall not interfere with the regular operation of the Merit System, except that upon proof submitted showing honorable service during a war a veteran shall have 5% added to the rating which he obtains on examination and a disabled veteran with a service connected disability shall have 10% added to his rating so obtained.

§ 4. REMEDY.] Whenever an eligible veteran, widow or wife has made application for a public position and is refused an appointment for which he or she possesses the necessary qualifications, in violation of the spirit and intent of this act, then such person shall have the right to petition by verified petition the District Court of the State of North Dakota in the county in which the work is to be performed, setting forth the facts of his application qualifications, competency and honorable discharge entitling him or her to preference under this Act and upon the filing of such petition the Judge in said court shall forthwith issue an order to show cause to the appointing authority directing said authority to appear in said court at a specified time and place, not less than five nor more than ten days after the filing of said verified petition, to show cause, if any, he have why said veteran or person entitled to preference should not be employed by him and the said District Court shall have jurisdiction upon the proper showing to issue its order directing and ordering said appointing authority to comply with this law in giving the preference herein provided.

§ 5. Should any part of this Act be declared invalid all other p ts and provisions thereof shall remain in full force and effect.

§ 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved March 13, 1945.

CHAPTER 239

S. B. No. 176
Introduced by Senators Bridston and Flatt

LEAVE OF ABSENCE, PUBLIC EMPLOYEES

An Act Relating to the status of officers and employees of the state and political subdivisions in active non-civilian service; providing for the reinstatement of such persons to the positions held by them; repealing Section 37-0125 of the North Dakota Revised Code of 1943 and all acts or parts of acts in conflict with this act; providing penalties for the violation of this act; and declaring an emergency.

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

§ 1. OFFICERS AND EMPLOYEES OF STATE OR POLITICAL SUBDIVISIONS IN NATIONAL GUARD OR FEDERAL SERVICE TO RETAIN STATUS FOR PERIOD OF ACTIVE SERVICE.] All officers and employees of this state or of a political subdivision thereof who: (1) are members of the National Guard; (2) are members of the Officers' Reserve Corps of the United States of America; (3) shall be subject to call in the Federal Service by the President of the United States; or (4) shall volunteer for such service, when ordered by proper authority to active non-civilian employment, shall 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 if they have been in the continuous employ thereof for ninety (90) days immediately preceding without loss of pay during the first thirty (30) days of such leave of absence.

§ 2. REINSTATEMENT TO FORMER POSITION; *APPEALS.*] Any person referred to in section (1) of this act, who within ninety (90) days after receiving a discharge other than dishonorable from such active non-civilian service and who is not physically or otherwise incapacitated to perform the duties of the position formerly held by him applies for such position held by him at the time of entering such active service, shall be given such position or one of like seniority, status and pay, and shall be immune to discharge from said position except for cause, as defined by the Veterans' Aid Commission hereinafter referred to, for a period of one (1) year after entering upon the duties of his civilian position. Any such person not so re-employed or who is discharged within such a period of one (1) year without cause, shall have the right of appeal to the Veterans' Aid Commission provided for in Chapter 37-14 of the North Dakota Revised Code of 1943, under such rules and regulations as said Veterans' Aid Commission may promulgate. If said Veterans' Aid Commission shall find that such person was not re-employed or was discharged within one (1) year without cause, it may order

any officer or other appointing power to comply with the provisions of this act; provided, however, that if such person at the time of entering such non-civilian service shall have been an officer or employee of any department or division of the State of North Dakota or a political subdivision thereof, having a merit system of personnel administration established pursuant to state statutes or federal laws and regulations, or a city operating under a civil service system, and having appeal body, which appeal body shall have the same powers as are herein granted to Veterans' Aid Commission. In order to carry out the provisions of this act, the Veterans' Aid Commission is hereby authorized to contract and pay for technical or other services with any board, council or commission established by such state agencies, departments or divisions to administer such systems.

§ 3. PENALTY.] Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not more than Five Hundred Dollars ($500.00) or ninety (90) days imprisonment, or both such fine and imprisonment.

§ 4. REPEAL.] Section 37-0125 of the North Dakota Revised Code of 1943 and all acts or parts of acts in conflict with this act are hereby repealed.

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

Approved March 13, 1945.

CHAPTER 240

H. B. No. 194
Introduced by Representative Fitch

OATHS AND ACKNOWLEDGEMENTS, BY OFFICERS ARMED FORCES

An Act Authorizing administration of oaths and taking of acknowledgements by a commissioned officer, a non-commissioned officer not below the grade of sergeant and a petty officer in the Armed Forces of the United States of America; declaring valid oaths and acknowledgements taken prior to the effective date of this Act and declaring an emergency.

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

§ 1. PERSONS AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGMENTS.] A commissioned officer, a non-commissioned

officer not below the grade of sergeant and a petty officer in the Armed Forces of the United States shall be authorized to administer oaths and to take and execute acknowledgements.

§ 2. VALIDATING CERTAIN OATHS AND ACKNOWLEDGMENTS.] All oaths administered or acknowledgments taken by the persons named in Section 1 hereof prior to the effective date of this Act are hereby declared valid.

§ 3. EMERGENCY.] This Act is declared an emergency and shall be in full force and effect upon its passage and approval.

Approved March 14, 1945.

CHAPTER 241

H. B. No. 119
Introduced by Committee on Military and Indian Affairs

RECORD OF VETERANS WORLD WAR TWO

An Act To Provide for the Compilation, Publication and Distribution of the Record of Residents of North Dakota Who Rendered Military Service on Behalf of the State, Served in the Merchant Marine, and Assisted in the Administration of the Selective Service Act During World War II.

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

§ 1. The Adjutant General of the State of North Dakota is hereby authorized and directed to compile, publish and distribute in accordance with such rules and regulations as he might adopt, a record of the residents, men and women, of the State of North Dakota, who rendered military service on behalf of the State, served in the Merchant Marine, and assisted in the administration of the Selective Service Act during World War II.

§ 2. The Adjutant General shall have power and authority to do and perform any and all acts and things which may to him seem necessary and proper for the purpose of carrying out the terms and conditions and spirit of this act.

Approved March 14, 1945.

CHAPTER 242

S. B. No. 69
Introduced by Military and Indian Affairs Committee

VETERANS' AID COMMISSION

An Act Amending and re-enacting Sections 37-1401, 37-1404, 37-1405, 37-1406, of the North Dakota Revised Code of 1943, creating a Veterans' Aid Commission, specifying its powers and duties, appropriating the sum of $125,000.00 as a Veterans' Aid Fund, and $10,000.00 for operating expenses providing for the manner of its use, and defining those entitled to aid from such fund.

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

§ 1. AMENDMENT.] That Section 37-1401 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 37-1401. There is hereby established a Veterans' Aid Commission consisting of five members to be appointed by the Governor, one of which shall be the Veterans' Service Commissioner. Each of such members shall have been a member of the Armed Forces of the United States during a time when a state of war shall have been declared to exist by the Congress of the United States. The Veterans' Service Commissioner shall be and serve as the Executive Secretary of the Veterans' Aid Commission.

§ 2. AMENDMENT.] That Section 37-1404 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 37-1404. The Veterans' Aid Fund is hereby created and established for the purpose of making loans or advancements to any veteran of the Armed Forces of the United States in World War II, who has not been dishonorably discharged.

§ 3. AMENDMENT.] That Section 37-1405 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 37-1405. Any such veteran may make application to the Veterans' Aid Commission in such form as the Veterans' Aid Commission may provide, either while he or she is waiting for relief or assistance from such other agency, State or Federal, as may provide relief to him, or for further assistance for his education, or otherwise.

§ 4. AMENDMENT.] That Section 37-1406 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

§ 37-1406. If the Veterans' Aid Commission is satisfied that

such applicant has served as a member of the Armed Forces of the United States for an aggregate time of not less than thirty days while the United States was at war, that he is a citizen and resident of the State of North Dakota, and that he has not been dishonorably discharged, the Veterans' Aid Commission may advance to such applicant, or a guardian of such applicant, a sum from the Veterans' Aid Fund not to exceed the sum of $50.00 per month for a period of not to exceed six months; and the aggregate of all loans to a single individual shall not exceed $300.00.

§ 5. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of $125,000.00 to be kept by the State Treasurer in a separate trust fund for the Veterans' Aid Commission as provided by law; and from said fund the sum of $10,000.00 for the necessary administration expense of the Veterans' Aid Commission.

Approved March 9, 1945.

MINING AND GAS AND OIL PRODUCTION

CHAPTER 243

H. B. No. 137
Introduced by Committee on Appropriations

COAL MINE INSPECTION AMENDMENTS

An Act To amend and re-enact Sections 38-0314 and Section 38-0404 and Repealing Section 38-0405 of the North Dakota Revised Code of 1943 relating to coal mine inspector and coal mine safety fund.

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

§ 1. AMENDMENT.] That Section 38-0314 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

38-0314. TECHNICAL ASSISTANTS AND ADVISERS MAY BE EMPLOYED BY INSPECTOR; PAY; INSTRUMENTS FURNISHED INSPECTOR.] For the more efficient discharge of the duties imposed upon him by this title, the inspector, with the approval of the commissioners of the workmen's compensation bureau, may hire all necessary technical assistants and advisers to determine the condition, fitness, and suitability of boilers and all other machinery or equipment of coal mines in this state which may affect the safety of the miners therein. Such

assistants and advisers shall be paid from appropriations made by the legislative assembly.

§ 2. AMENDMENT.] That Section 38-0404 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

38-0404. LICENSE FEE COLLECTIONS TO BE PAID TO STATE TREASURER MONTHLY.] The fees collected for coal mine licenses shall be paid monthly to the state treasurer by the inspector. The treasurer shall deposit the money so turned over to him in the General Fund.

§ 3. Any and all moneys now in the state treasury to the credit of the coal mine safety fund shall be transferred to the General Fund after all bills charged to such fund prior to July 1, 1945, are paid.

§ 4. REPEAL.] That Section 38-0405 of the North Dakota Revised Code of 1943 relating to coal mine safety fund be, and the same is hereby repealed.

Approved February 27, 1945.

CHAPTER 244

S. B. No. 88
Introduced by Senators Stucke & Semerad

MINE FOREMAN, QUALIFICATION

An Act Amending and re-enacting section 38-0507, of the North Dakota Revised Code of 1943, relating to certificate of qualification of mine foreman; issuance; grade required; qualifications; form; evidence; record.

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

§ 1. AMENDMENT.] That Section 38-0507 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

38-0507. CERTIFICATE OF QUALIFICATION AS MINE FOREMAN; ISSUANCE; GRADE REQUIRED; QUALIFICATIONS; FORM EVIDENCE; RECORD.] The board of examiners shall issue a certificate of qualification for the position of mine foreman to each applicant who passes a successful examination showing his knowledge of mine workings, ventilation, gases, and blackdamp, and his actual experience in underground or strip coal mining. No applicant receiving less than a grade of seventy-five percent on his entire examination shall be entitled to

a certificate. A certificate shall be granted only to a person who is twenty-three years of age or over, of good moral character, a citizen of the United States, and a resident of this state, who has had at least five years practical experience in the working of coal mines. The certificate shall be in the form prescribed by the inspector, and shall show the full name, age, and birthplace of the person named therein and the length or nature of his previous experience in coal mines, and shall designate the position for which he is qualified. A certificate shall be valid only when signed by a majority of the members of the board, and when so signed shall be sufficient evidence of the holder's competency for the duties of mine foreman under the provisions of this title. The inspector shall keep in his office a record of such certificates issued. All certificates issued shall cease to be valid in seven years after date of issuing.

Approved March 2, 1945.

MOTOR VEHICLES

CHAPTER 245

S. B. No. 188
Introduced by Senators Thatcher and Young

DRIVERS LICENSE CARD DETACHMENT

An Act To amend and re-enact Section 39-0619 of the Revised Code of North Dakota for 1943, relating to duty of Court upon conviction of licensee.

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

§ 1. AMENDMENT.] That Section 39-0619 of the Revised Code of North Dakota for 1943, be and the same is hereby amended and re-enacted to read as follows:

39-0619. COURT TO DETACH PART OF LICENSE CARD UPON CONVICTION OF LICENSEE FOR MISDEMEANOR: FORWARDING CARD.] Any court in this state upon finding any licensee guilty of a misdemeanor under the provisions of this chapter, or of the laws of this state relating to highways, or upon finding any licensee guilty of violating any city ordinance defining the offense of driving a motor vehicle while under the influence of intoxicating liquor, reckless driving, driving at an unlawful speed, or other similar offense, may detach one of the three license cards and shall in each case forward such card immediately to the Commissioner with a statement of the facts regarding the offense.

Approved March 13, 1945.

CHAPTER 246

H. B. No. 161
Introduced by Representatives Anderson, Halcrow, Schwartz and Sandness

LENGTH LIMITATION MOTOR VEHICLES

An Act To amend and re-enact Subsection 3, Section 39-1204 and Section 39-1205 of the North Dakota Revised Code of 1943, relating to length limitations on motor vehicles.

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

§ 1. AMENDMENT.] That Subsection 3, Section 39-1204 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

3. A length, including the load thereon, of thirty-five feet. No combination of vehicles, including the load thereon, shall exceed a length of forty-five feet. No more than two units shall be used in a combination, and a tractor-truck and a semi-trailer shall be considered as two units. The provisions of this subsection shall not apply to the carriage of equipment of the army or the defense forces of the United States Government, the national guard of this state, nor to structural material of telephone, power, and telegraph companies which necessarily must be transported on the highways on account of the location of their lines adjacent to such highways. Other structural material which could not be transported over the highways of this state on account of the provisions of this subsection, upon a showing of reasonable necessity and that the transporting of such structural material will not damage the highways to be used, may be transported upon obtaining a temporary permit from the commissioner or from any employee designated by the commissioner for such purposes.

§ 2. AMENDMENT.] That Section 39-1205 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

39-1205. WEIGHT LIMITATIONS FOR VEHICLES.] (1) No single axle shall carry a gross weight in excess of eighteen thousand pounds nor a wheel load to exceed nine thousand pounds. No wheel shall carry a gross weight in excess of five hundred and fifty pounds for each inch of tire width. Axles spaced forty inches apart or less shall be considered as one axle and on axles spaced over forty inches and under eight feet apart, the axle load shall not exceed fifteen thousand pounds per axle. The wheel load, in any instance, shall not exceed one-half the allowable axle load. Spacing between axles shall be measured from axle center to axle center. (2) Subject to the limitations imposed by the above subsection (1) on tires, wheel and

axle loads, no vehicle or combination of vehicles shall be operated whose gross weight, including the load, exceeds that determined by adding the distance in feet between the first axle and the last axle of such vehicle or combination of vehicles, to the factor forty (40) and multiplying this sum by seven hundred fifty (750); provided further that where the distance between the first axle and the last axle of any group of axles of such vehicle or combination of vehicles is eighteen (18) feet or less the gross weight on the group of axles under consideration shall be determined by adding the distance in feet between the first axle and the last axle of the group under consideration to the factor of forty (40) and multiplying this sum by six hundred fifty (650).

§ 3. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 13, 1945.

CHAPTER 247

S. B. No. 135
Introduced by Senators Bilden, Kehoe and Brant

LICENSE FEES, CERTAIN MOTOR VEHICLES

An Act To amend and re-enact Section 39-0453 of the North Dakota Revised Code of 1943 relating to license required by certain motor vehicles, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 39-0453 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

39-0453. FEES FOR VEHICLES OPERATED WITHIN MUNICIPALITY OR TRANSPORTING AGRICULTURAL PRODUCTS.] The owner of a motor vehicle which:

1. Is used by the owner of such vehicle for the transportation of farm or agricultural products of such owner from the farm where such products are produced or grown to the market, or the transportation of goods of the owner of such vehicle from the market or from livestock markets to the farm of such owner;

2. Is used for the transportation of any and all property between the farms and the usual local trading places and between the farms and the livestock markets of the person for whom such transportation is performed or between farms locally;

3. Motor vehicles used to carry and transport the necessary

tools, equipment and material of the owner in the performance of any lawful occupation or trade; or

4. Operates exclusively within the corporate limits of any city or village, or within two miles thereof, shall pay the following registration fees:

SCHEDULE B

Gross Weight in Pounds	License Fee
4,000 lbs. and under	$ 13.50
6,000	16.00
8,000	18.50
10,000	21.00
12,000	23.50
14,000	26.00
16,000	28.50
18,000	31.00
20,000	34.00
22,000	37.00
24,000	40.00
26,000	80.00
28,000	85.00
30,000	100.00
32,000	125.00
34,000	150.00
36,000	180.00
38,000	210.00
40,000	250.00

The above schedule shall apply to the first year in which the vehicle is licensed. The registration fee for years subsequent to the year in which the vehicle first is licensed shall be the basic fee or major fraction thereof, less ten percent of the basic fee for each successive year, until the tax equals five dollars, which shall be the annual fee thereafter. A vehicle which was licensed in 1941 for less than five dollars shall be reduced ten per cent per year of its original basic fee until it reaches a minimum of three dollars, which will be the annual fee thereafter. Trucks used by star and rural mail carriers in the course of their duties in the delivery of mail, and equipped with special auxiliary equipment for use in snow and mud, shall be charged a license fee of three dollars per annum.

§ 2. EMERGENCY.] That this Act is hereby declared to be an emergency measure and the same shall be in ful force and effect from and after its passage and approval.

Approved March 12, 1945.

CHAPTER 248

H. B. No. 162

Introduced by Representatives Anderson, Halcrow, Swartz, and Sandness

LICENSE FEE CERTAIN TRUCKS

An Act To amend and re-enact Section 39-0424 of the North Dakota Revised Code of 1943, relating to license fees for registration of commercial and non-commercial trucks; providing for the registration of a combination of vehicles upon a gross weight basis.

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

§ 1. AMENDMENT.] That Section 39-0424 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

39-0424. SCHEDULE OF FEES.] All commercial and non-commercial trucks, except vehicles for the transportation of passengers, and vehicles excluded by Section 39-0453, shall pay the following registration fees.

SCHEDULE A

Gross Weight in Pounds	License Fees
4,000 and under	$ 20.00
6,000	25.00
8,000	30.00
10,000	35.00
12,000	40.00
14,000	45.00
16,000	50.00
17,000	55.00
18,000	60.00
20,000	65.00
22,000	70.00
24,000	75.00
26,000	80.00
28,000	85.00
30,000	100.00
32,000	125.00
34,000	150.00
36,000	180.00
38,000	210.00
40,000	250.00

Over 40,000 pounds add forty-five ($45.00) dollars for each additional ton (2,000) pounds or fraction thereof. The above schedule shall apply to the first year in which the vehicle is licensed. The registration fee for years subsequent to the year in which the vehicle

is first licensed shall be the basic fee or major fraction thereof, less ten per cent of the basic fee for each successive year until the tax equals seventy per cent of the original basic fee, which shall be the annual fee thereafter. A vehicle which was licensed in 1941 for less than five dollars shall be reduced ten per cent per year of its original basic fee until it reaches a minimum of three dollars, which will be the annual fee thereafter.

Approved March 14, 1945.

CHAPTER 249

H. B. No. 177
Introduced by Representatives Brady, Fleck and Sticka

LICENSE MOTOR VEHICLE DEALERS

An Act To amend and re-enact Section 39-0459 of the North Dakota Revised Code of 1943, providing for motor vehicle dealer licenses and the fees therefor; requiring the delivery of certificate of title for motor vehicles; providing for the cancellation of dealers' licenses by the Registrar of Motor Vehicles.

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

§ 1. That Section 39-0459 of the North Dakota Revised Code of 1943 be and the same hereby is amended and re-enacted to read as follows:

39-0459. MOTOR VEHICLE DEALER LICENSES; FEES; ADDITIONAL NUMBER PLATES.] A dealer in passenger automobiles and automobile trucks shall pay a license fee of twenty-five dollars ($25.00) per year, which license shall allow the dealer to deal in new and used cars. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of five dollars ($5.00) per set. Such number plates may be used on any car owned by the dealer and used by him in the ordinary course of his business, but shall be used on used cars only when such cars are used for demonstration purposes. A motorcycle dealer shall pay a license fee of five dollars ($5.00) for each set of motorcycle number plates issued to him. Application for such license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as said registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone until and unless the applicant shall furnish proof satisfactory to the registrar of the fact that the applicant has an established place of business, and has, or has the use of, facilities and equip-

ment for the maintenance, servicing and repair of motor vehicles. An established place of business when used in this act shall mean a permanent enclosed building or structure either owned in fee or leased, at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of evading this act. Said place of business shall not mean residences, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar of motor vehicles permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements hereinbefore set forth.

§ 2. CERTIFICATE OF TITLE TO BE DELIVERED.] Every person, firm or corporation upon the sale and delivery of any motor vehicle shall within ten (10) day after such sale deliver to the vendee a certificate of title covering said motor vehicle endorsed according to law.

§ 3. CANCELLATION OF LICENSES.] Whenever any dealer in motor vehicles has violated any of the requirements or provisions of law relating to dealers in motor vehicles under the provisions of title 39 of the North Dakota Revised Code of 1943, or has been convicted of a felony, or shall have ceased to have an established place of business as herein required, the Motor Vehicle Registrar may cancel and revoke the dealer's license, and such cancellation and revocation shall be done in the manner and according to the procedure prescribed in Chapter 28-32 of the North Dakota Revised Code of 1943.

Approved March 9, 1945.

CHAPTER 250

S. B. No. 124
Introduced by Committee on Appropriations

SALARIES HIGHWAY PATROL

An Act Amending and re-enacting Section 39-0307 of the North Dakota Revised Code of 1943, fixing the salary of the superintendent, assistant superintendent and the highway patrolmen.

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

§ 1. AMENDMENT.] That Section 39-0307 of the North Da-

kota Revised Code of 1943 be amended and re-enacted to read as follows:

39-0307. SALARY OF SUPERINTENDENT; ASSISTANT SUPERINTENDENT; LIMITATIONS.] The salary of the superintendent shall not exceed Twenty Seven Hundred Dollars ($2700.00) per annum; the salary of the assistant superintendent shall not exceed Twenty Four Hundred Dollars ($2400.00) per annum; and the salary of each patrolman shall be fixed by the superintendent. All such salaries shall be paid monthly.

Approved March 9, 1945.

CHAPTER 251

H. B. No. 222
Introduced by Representatives Hegge and Falconer

TRUCK MILE TAX, HOW DETERMINED

An Act To amend and reenact Section 39-0429 and Section 39-0431 of the North Dakota Revised Code of 1943, relating to the determination of the truck-mile tax; providing for an exception; imposing fees in lieu of truck-mile tax; and providing for disposition thereof; and repealing Section 39-0433 of the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.] Section 39-0429 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 39-0429. TRUCK-MILE TAX; HOW DETERMINED.] The truck-mile tax shall be determined as follows:

Vehicle or combination of vehicles having an unloaded weight of not to exceed 3 tons_____¼¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 3 tons and not exceeding 4 tons_____½¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 4 tons and not exceeding 5 tons_____¾¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 5 tons and not exceeding 6 tons_____ 1¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 6 tons and not exceeding 7 tons_____1¼¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 7 tons and not exceeding 8 tons_____ 2¢ per mile
Vehicle or combination of vehicles having an unloaded weight of 8 tons and not exceeding 9 tons_____2½¢ per mile

Vehicle or combination of vehicles having unloaded weight of 9 tons to 10 tons---------- 3¢ per mile
Any vehicle or combination of vehicles having an unloaded weight of more than 10 tons---------- 4¢ per mile

§ 2. AMENDMENT.] Section 39-0431 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

§ 39-0431. The truck-mile tax imposed by this act shall not be required upon a vehicle already registered under an authorized intrastate certificate or permit issued by the Public Service Commission, upon which the prescribed fees have been paid and which has already been registered with the Motor Vehicle Department, and for which the regular license plates, as well as commercial C plates, provided by statute, have been purchased and displayed on said vehicle, even though said truck is also engaged in interstate commerce.

§ 3. Any motor carrier engaged exclusively in interstate commerce, who has not obtained an intrastate certificate, may, at his election, in lieu of paying the truck-mile tax imposed by this act, register every vehicle used in this state with the motor vehicle department and pay the fees for the regular license plates and commercial C plates, or identification tag, as required by law, and in addition thereto (1) pay a fee of $30.00 annually on or before the 15th day of April of each calendar year, and (2) pay the sum of $15.00 per vehicle or combination of vehicles as a listing fee, provided however, that the total listing fee shall not exceed the total sum of $150.00. Provided however, that every private carrier, who is solely engaged in interstate commerce, who shall secure the regular license plates and pay the fees required by law therefor, shall be exempt from the truck-mile tax imposed herein. The fees imposed by this section in lieu of the truck-mile tax shall be paid as compensation for the right and privilege of using the public highways of this state to engage in interstate commerce.

§ 4. All fees collected by the Public Service Commission under this act shall be remitted monthly to the State Treasurer and shall be credited to the "Auto Transportation Fund."

§ 5. The powers and duties conferred and imposed by Sections 39-0426, 39-0427, 39-0428 and 39-0434 of the North Dakota Revised Code of 1943 upon the registrar of motor vehicles are hereby transferred to the Public Service Commission for administration.

§ 6. Section 39-0433 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 9, 1945.

MUNICIPAL GOVERNMENT

CHAPTER 252

H. B. No. 49
Introduced by Representative Fitch

AUTHORITY OF CITIES TO REMOVE CERTAIN BUILDINGS

An Act Relating to the authority of cities to regulate the demolition, repair or removal of sub-standard buildings or structures.

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

§ 1. The governing body of any city shall have the authority to provide by ordinance for the demolition, repair or removal of any building or structure located within the limits of such city or other territory under its jurisdiction, which creates a fire hazard, is dangerous to the safety of the occupants or persons frequenting such premises, or is permitted by the owner to remain in a dilapidated condition. Any such ordinance shall provide for written notice to the owner of a hearing by the governing body before final action is taken by such body. It shall also provide a reasonable time within which an appeal may be taken by the owner from any final order entered by such governing body to a court of competent jurisdiction.

§ 2. This act shall in no way limit or restrict any authority which is now or may hereafter be vested in the state fire marshal for the regulation or control of such buildings or structures.

Approved March 14, 1945.

CHAPTER 253

H. B. No. 196
Introduced by Representative Klefstad

AUTHORIZING VILLAGES TO REMOVE CERTAIN BUILDINGS

An Act Relating to the authority of villages to regulate the demolition, repair or removal of substandard buildings or structures.

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

§ 1. The governing body of any village shall have the authority to provide by ordinance for the demolition, repair or removal of any building or structure located within the limits of such village or other territory under its jurisdiction, which creates a fire hazard,

is dangerous to the safety of the occupants or persons frequenting such premises, or is permitted by the owner to remain in a dilapidated condition. Any such ordinance shall provide for written notice to the owner of a hearing by the governing body before final action is taken by such body. It shall also provide a reasonable time within which an appeal may be taken by the owner from any final order entered by such governing body to a court of competent jurisdiction.

Approved March 14, 1945.

CHAPTER 254

H. B. No. 68
Introduced by Representatives Yirchott and Olson of Barnes

BONDS OF MUNICIPAL OFFICERS

An Act To amend and re-enact Section 40-1302 of the North Dakota Revised Code of 1943, relating to bonds of municipal officials; requirements; approval; additional bonds; and repealing all acts or parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] Section 40-1302 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

§ 40-1302. BONDS OF MUNICIPAL OFFICIALS; REQUIREMENTS; APPROVALS; ADDITIONAL BONDS.] The treasurer, auditor, clerk, police magistrate, justice of the peace, and assessor of each municipality, the city manager of any city, the marshal of any village, and such other officers as the governing body may direct, before entering upon the discharge of the duties of their respective offices, shall execute and deliver to the municipality their separate bonds payable to the municipality, conditioned for the honest and faithful performance of their official duties. Such bond shall be in an amount fixed by the governing body of the municipality. The bond of the treasurer shall be at all times in an amount set by resolution of the governing body of the municipality at regular meeting in April of each year; provided, however, that the amount so set shall be equal at least to the average amount of money that has been subject to the treasurer's control during the preceding fiscal year, said average herein mentioned to be determined by taking the total of the daily balances of the treasurer for the preceding year and dividing it by the figure three hundred (300). All official bonds shall be approved by the executive officer of the municipality and filed in the office of the city auditor or village clerk, as the case may be. Such bonds shall

conform to the provisions of law applicable to the bonds of state officers and employees except that no personal surety shall be accepted on any bond. No municipality shall pay the premium on any bond except a bond written in the state bonding fund or a bond procured to replace a bond cancelled by the state bonding fund. The governing body at any time may require new and additional bonds of any officer.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved February 23, 1945.

CHAPTER 255

S. B. No. 133
Introduced by Senators Krenz and Kehoe

BUDGET REVIEW BOARD, CERTAIN MUNICIPALITIES

An Act To amend and re-enact Section 40-4101 of the North Dakota Revised Code of 1943 providing for the membership of Boards of Budget Review.

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

§ 1. AMENDMENT.] Section 40-4101 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

40-4101. BOARD OF BUDGET REVIEW; REQUIRED IN CERTAIN MUNICIPALITIES; HOW CONSTITUTED.] Every municipality in this state, except townships, shall have a board of budget review. The board shall consist of seven members and shall be constituted as follows:

1. Two members from the governing body of the municipality;
2. Two members from the local school board;
3. One member from the park board; and
4. Two members representing the public at large.

If the municipality has no park board, three members shall represent the public at large.

Approved March 10, 1945.

CHAPTER 256

S. B. No. 95
Introduced by Senator Lynch and Senator Streibel

DISSOLUTION OF VILLAGES, BY DISTRICT COURT

An Act Authorizing the District Courts to Dissolve Villages Not Subject to Dissolution under Existing Laws.

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

§ 1. APPLICATION FOR DISSOLUTION.] Any village not subject to dissolution under existing laws may be dissolved by the district court of the county of the situs of said village, upon presentation of an application for dissolution by the State's attorney of the county to the clerk of the district court, showing therein:

(1) the name of the village,
(2) the date of incorporation,
(3) boundaries,
(4) original plat and additions thereto,
(5) names of officers,
(6) assets,
(7) debts, and
(8) a general statement of the reasons for dissolution.

§ 2. FILING APPLICATION; ORDER.] If the court is satisfied that the petition for dissolution conforms to Section 1 hereof, it must order that the application be filed and that the clerk of the district court give notice thereof by publication for not less than thirty (30) days and not more than fifty (50) days in some newspaper of general circulation published in the county. If there is no newspaper published in the county, the posting of the notice in five of the most public places in the village for the period of time ordered by the court constitute publication.

§ 3. OBJECTIONS.] Any time before the completion of the publication of the notice of application for dissolution, any person may file objections to the application.

§ 4. HEARING ON APPLICATION; ORDER OF DISSOLUTION.] When the publication of the notice of application for dissolution is complete, the court, upon five days' notice to any person who has filed objections to the application, or without further notice, if no objections have been filed, shall hear and determine the application. If the court finds that the village should be dissolved, it shall dissolve the same upon such terms or conditions as justice may require, shall vacate the plat and boundaries of said village; shall order the sale

of assets, the payment of debts, and if there be a surplus, shall order it paid into the treasury of the township in which the village is situated.

§ 5. JUDGMENT ROLL; RIGHT OF APPEAL.] The petition, notice and proof of service thereof, objections, order of the court, and the judgment shall constitute the judgment roll, and an appeal may be taken from the judgment in the same manner as in a civil action.

Approved March 2, 1945.

CHAPTER 257

H. B. No. 45
Introduced by Representatives Schlafmann & Haugen

DISSOLUTION OF VILLAGE PARK DISTRICTS

An Act Providing a method for the dissolution of park districts, and prescribing the procedure therefor.

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

§ 1. DISSOLUTION OF VILLAGE PARK DISTRICT. PETITION FOR ELECTION. NOTICE OF ELECTION. ORDER OF DISSOLUTION.] Whenever an application signed by one-third of the electors of any village park district shall be presented to the board of trustees of such village setting forth that all debts, liabilities and obligations of such park district are paid in full, or that such park district has sufficient assets on hand to pay and liquidate in full all of its debts, liabilities and obligations, and petitions for the dissolution of such park district setting forth the reasons therefor, the village board of trustees shall examine, or cause to be examined, such petition, and if it be found that such park district has no outstanding debts, liabilities or obligations, or that it has sufficient available assets on hand applicable to the payment and liquidation of any debt, liability or obligation of such park district, such board of trustees shall call a meeting of the electors of such park district to determine whether such park district shall be dissolved.

The board of trustees of the village shall give at least ten days notice of such meeting by publication in a newspaper, if one is published in such village, and if no newspaper is published in such village, by posting such notice in five public places in the park district, which notice shall specifically state the purpose for which such meeting is called.

The board of commissioners of the park district shall preside

at such meeting, and the poll shall be open from nine o'clock in the forenoon and shall close at four o'clock in the afternoon of the same day. Voting shall be by ballot in the following form:

Shall the park district be dissolved? Yes No

If a majority of all the votes cast at such meeting shall be in favor of such dissolution and the number of votes so cast is not less than thirty-five per cent of all the electors in such park district, the chairman and clerk of the board of park commissioners shall certify and attest the same, and forward such certificate to the board of village trustees.

If the board of village trustees shall find that such election has in all things been conducted in a regular and legal manner, it shall be its duty, and it shall have the power, to apply all of the assets of such park district to the payment and liquidation of any debt, liability or obligation of such park district, if any there be, and the remainder of any assets, funds or monies, if any there be, shall be covered into the general fund of the village.

§ 2. The village board shall prepare an order setting forth that such park district has been dissolved in accordance with the provisions of this act, and a certified copy thereof, duly executed by the board of trustees and attested by the village clerk, shall be filed in the office of the register of deeds of the county in which such village is situated, and the dissolution shall be complete from and after the issuance of such order.

Approved February 13, 1945.

CHAPTER 258

S. B. No. 156
Introduced by Senators Bridston and Day

GRAVEL SURFACING CITY STREETS

An Act To provide for the gravel surfacing of streets in cities and for the payment therefor through special assessments against the property benefited.

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

§ 1. On or before the 15th day of March in each year, the City Auditor of each city within the state may at the discretion of the governing board advertise in the official newspaper once each week for two consecutive weeks for bids for the furnishing of gravel in place for gravel surfacing of highways within the city, upon a cubic yard basis. The bids shall be made in accordance with

such specifications as to type, grade and quality of material as shall be specified by the city engineer and approved by the governing board, and shall provide for the delivery of such gravel along such streets of the city as may thereafter be designated, in such manner as may be designated in the specifications. The notice shall specify that payment for such gravel in cash or by special assessment warrants issued against the Graveling Special Assessment Fund created by this act, and each bidder shall specify in his bid the lowest rate of interest which he will accept upon such warrants, and that payment for such gravel will be accepted by him in the manner herein provided without any general obligation against the city. Each bid shall be accompanied by a certified check in such amount as may be fixed by the governing board, and the award of the contract shall be made only to such persons who shall furnish good and sufficient bond for the performance thereof, in such amount as shall be fixed by the governing board at the time of calling for bids.

§ 2. If bids have been called for at the first regular meeting of the governing body in the month of April in each year the bids shall be opened and the contract for the furnishing of gravel shall be awarded to the lowest responsible bidder who has complied with the requirements of this act. If the City Auditor shall have failed to advertise for bids before the 15th day of March, or if the governing body shall have failed to award the contract at a meeting in April, such advertisement for bids and such award may be made subsequently upon the same basis as if made at the time provided in this act.

§ 3. Upon petition of the owners of not less than fifty percent of the property, measured by front feet, on both sides of any street or portion thereof, not less than one block in length, for gravel surfacing of such street or portion thereof, the governing board may give notice of such petition and of a time and place for hearing thereon, by publication once in each week for two successive weeks prior to such hearing, the first such publication to be not less than ten days before such hearing. At the time and place of such hearing the governing board shall consider and determine the desirability and necessity of the graveling of such street or portion thereof, the ownership and use of the property adjoining said street, the probability or lack of probability of special assessments for such graveling being paid, and the necessity, from the standpoint of the municipality, of such graveling being undertaken, and shall thereupon determine whether or not such project shall be undertaken, and its decision thereon shall be final.

§ 4. If the governing board shall determine that such graveling project should be undertaken, it shall direct its street department to prepare the surface of such street or portion thereof for such gravel surfacing, and the city engineer shall notify and direct

the holder of the contract for the furnishing of gravel for such year to deliver in place sufficient gravel to accomplish the gravel surfacing of said street, specifying the number of yards, including intersections if so determined by the governing board, within a reasonable time to be specified in such notice. The holder of such contract shall within such time deliver said gravel in accordance with such instructions and the street department shall spread said gravel and complete the necessary work for the gravel surfacing of said street or portion thereof. Each such project shall be designated as a particular graveling district by number.

§ 5. The entire cost of furnishing gravel, together with the cost of the legal notices and engineering services involved, and including the cost of gravel used at street intersections, shall thereupon be assessed against the property adjoining such street upon a front foot basis by the city engineer. The city engineer shall return his assessments of such cost and file the same in the office of the City Auditor, who shall cause such assessment, together with a notice of the time and place when and where the governing body will meet to consider the approval thereof, to be published in one issue of the official newspaper at least ten days prior to the meeting of the governing body at which the approval of such assessment will be considered. Upon such hearing the decision of the Board shall be final.

§ 6. On or before the 1st day of September of each year, the City Auditor shall deliver to the County Auditor a duplicate of all assessment rolls containing assessments made under the provisions of this chapter, and the County Auditor shall extend the assessments in the proper column against the property assessed. Such assessments shall be collected and the payment thereof enforced as county and state taxes are collected and enforced and such assessments shall constitute a lien against the property designated in the same manner and to the same extent as other special assessments. When collected, the assessments shall be paid over by the County Treasurer to the municipal treasurer in the same manner as other taxes.

§ 7. The City Auditor shall keep in his office a book called "Graveling Assessment Book" and shall enter therein the costs certified by the city engineer and governing body as an assessment against the lots or parcels of land adjoining any such graveling project constructed under the provisions of this act, and the names of the owners of such lots of parcels of land, if the same are known to him.

§ 8. All assessments for gravel projects shall be payable in equal annual amounts extending over such period as may be determined by the governing body, not exceeding three years, and shall bear interest at a rate of not more than six percent per annum on the total amount of such assessments remaining from time to time

unpaid. Anyone who chooses to pay such assessments in one single payment may do so, and anyone who has paid any one or more installments may pay the balance in one payment. When the assessment against any lot or tract shall have been paid the lien against said lot or tract shall be cancelled and annulled.

§ 9. All monies received by a municipality from assessments for any graveling project shall be kept in a separate fund designated as "Graveling District Number_____." Warrants shall be drawn on such fund for the payment of the cost of such gravel project.

§ 10. All gravel assessment warrants shall be payable as specified and in such amounts as in the judgment of the governing body will be provided by such special assessments. Such shall bear interest at the rate of not more than six percent per annum, and interest shall be payable annually. They may have coupons attached representing each year's interest. The warrants shall state on their face the purpose for which they were issued, and from what fund they are payable, and shall be signed by the executive officer and countersigned by the City Auditor under the seal of the municipality, and shall be in denominations of not to exceed one thousand dollars ($1,000.00) each. Such warrants shall specifically recite that the City assumes no general responsibility for the payment thereof, and that they are payable solely and only out of such designated Graveling District Fund. Such warrants shall be used in making payment on the contract for the furnishing of gravel, or may be sold for cash at not less than par value thereof, and the proceeds credited to the special fund and used to pay for such gravel project.

§ 11. The treasurer of the municipality shall pay such special gravel assessment warrants and interest coupons as they mature and are presented for payment out of the Graveling Special Fund, and shall cancel the same when paid.

§ 12. It is the intent of this act to provide an optional and discretionary method of graveling streets and levying special assessments therefor in addition to those provided by existing statutes, and in all matters not specifically provided for in this act the provisions of Chapters 40-23, 40-24, and 40-25 of the North Dakota Revised Code of 1943 shall govern.

Approved March 13, 1945.

CHAPTER 259

S. B. No. 126
Introduced by Senators Day and Bridston

METHOD FOR EXTENDING BOUNDARIES OF CITIES

An Act To Amend and re-enact Section 40-5107 of the North Dakota Revised Code of 1943 providing the metod of extending the boundaries of cities to increase the territory within the corporate limits.

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

§ 1. AMENDMENT.] That Section 40-5107 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-5107. INCLUSION OF TERRITORY WITHIN CITY LIMITS BY RESOLUTION INITIATED BY GOVERNING BODY.] The governing body of a city, by a resolution passed by a two-thirds vote of its members, may extend the boundaries of the city to increase the territory within the corporate limits by not more than one-fourth of its area. The resolution shall describe particularly the land proposed to be incorporated within the city limits, setting forth the boundaries thereof and describing the land platted by blocks and lots. This section shall not authorize a city so to extend its boundaries as to include territory within another incorporated municipality.

Approved March 9, 1945.

CHAPTER 260

S. B. No. 94
Introduced by Committee on Education

PUBLIC LIBRARIES AND READING ROOMS

An Act To amend and re-enact Sections 40-3801, 40-3802, 40,3803, 40-3804, 40-3805, 40-3809 and 40-3810 of the North Dakota Revised Code of 1943, relating to the establishment and maintenance of public libraries.

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

§ 1. AMENDMENT.] That Section 40-3801 of the North Dakota Revised Code of 1943 be amended and re-eneacted to read as follows:

40-3801. PUBLIC LIBRARY AND READING ROOM; ESTABLISH-

MENT; ELECTION.] The governing body of any municipality or county upon petition of 5% of the voters participating in the last general election representing 7% of the voting precincts of the county having a population of not less than four hundred inhabitants shall submit to the electors of the municipality or county at a regular election the question of the establishment of a public library and reading room and shall establish and maintain such library and reading room when instructed to do so by a majority of the qualified electors voting on such question.

§ 2. AMENDMENT.] That Section 40-3802 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3802. LIBRARY FUND; LEVY; COLLECTION; KEPT SEPARATE.] For the purpose of establishing and maintaining a public library and reading room, the governing body of a county, city or village authorizing the same shall establish a library fund by annually levying and causing to be collected as other taxes are collected, a municipal tax within the tax levy limitations provided by the laws of this state, or a county tax not to be subject to the eleven mill limitation. The treasurer of the county, city or village shall keep such fund separate and apart from the other money of the county or municipality, and it shall be used exclusively for the establishment and maintenance of a public library, reading room and general library service. Whenever a tax for county library service is levied, any city or village, already levying a tax for public library service under the provisions of this section, shall upon written application to the county board of such county be exempted from such county tax levy, provided the city or village making such application expends for a library fund during the year for which such tax levy is made a sum at least equal to the sum which it would have to pay toward such county library levy.

§ 3. AMENDMENT.] That Section 40-3803 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3803. BOARD OF DIRECTORS: APPOINTMENT; TERM OF OFFICE; NO COMPENSATION; FILLING VACANCIES; ORGANIZATION.] The board of education or school board of a city or village establishing a public library and reading room, or of the school district within which such city or village is included, or the board of county commissioners for a county library, shall appoint a board of five directors representing both sexes from the citizens of the county, city or village as the case may be, to govern such library and reading room. One of the directors of a municipal library shall be a member of the board of education or school board, and one member of a county board of directors shall be a member of the board of county commissioners. The terms of office of the members of the first board of

directors shall be as follows: one member shall hold office for one year; two members shall hold office for two years; and two members shall hold office for three years. The members, at their first meeting, shall determine the length of their respective terms by lot. Thereafter, the number of directors required to fill expired terms shall be appointed each year, and each such director shall hold office for a term of three years from the first day of July in the year of his appointment and until his successor has been appointed. All vacancies on the board of directors shall be reported by such board to the board of education or school board or board of county commissioners, as the case may be, and shall be filled thereby. Appointments made to fill unexpired terms shall be for the residue of the term only. No compensation shall be paid or allowed to a director. Immediately after the appointment of its members, the board of directors shall meet and organize by electing a president and a secretary from among its number.

§ 4. AMENDMENT.] That Section 40-3804 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3804. GENERAL POWERS AND DUTIES OF BOARD OF DIRECTORS.] The board of directors shall have the following powers and duties:

1. To make and adopt such by-laws, rules and regulations relating to the duties of the officers of the board as may be expedient and not inconsistent with the provisions of this chapter;

2. To make and adopt such by-laws, rules and regulations for the management of the library and reading room as are expedient and not inconsistent with the provisions of this chapter; including the right of contract between counties and municipalities or between two or more counties for library service;

3. To control, exclusively, the expenditures of all monies collected for or contributed to the library fund; and

4. To have the supervision, care and custody of the library property, and of the rooms or buildings constructed, leased or set apart for use of library purposes.

§ 5. AMENDMENT.] That Section 40-3805 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3805. BOARD OF DIRECTORS MAY PURCHASE, BUILD OR LEASE BUILDING FOR LIBRARY.] The Board of Directors, with the approval of the board of education or the school board or the board of county commissioners, may build, lease or purchase an appropriate building for a library and purchase a site therefor. Not more than one-half of the income of the library fund shall be employed in such purchase of building in any one year. Such lease, purchase or

contract shall not be valid without the approval of the board of education or school board or board of county commissioners, as the case may be.

§ 6. AMENDMENT.] That Section 40-3809 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3809. ANNUAL REPORT OF BOARD OF DIRECTORS; CONTENTS; TO WHOM MADE.] The board of directors shall make a report on July first of each year to the board of education or school board or board of county commissioners, as the case may be, stating:

1. The condition of the library and property;
2. The various sums of money received from all sources;
3. How much money has been expended and for what purpose;
4. The number of books and periodicals on hand;
5. The number of books and periodicals added by purchase or gift during the year and the number thereof lost or loaned out;
6. The character and kind of books contained in the library; and
7. Such other statistics, information and suggestions as the board may deem of general interest.

Copies of the report shall be filed with the governing body of the political subdivison and with the state library commission.

§ 7. AMENDMENT.] That Section 40-3810 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

40-3810. CONTRIBUTIONS BY POLITICAL SUB-DIVISIONS TO ESTABLISHMENT OF LIBRARY WITHOUT ELECTION AUTHORIZED.] To aid and facilitate the organization of library service, the governing body of any city or village where the population is less than twenty-five hundred may appropriate annually from its general fund a sum not to exceed One Thousand Dollars for the purchase of books and periodicals to remain the property of the city or village and to be lent to any local library for free public use. The governing body shall appoint a book committee of three who shall select the books and periodicals from standard and recommended lists furnished by the state library commission. The selections so made by such committee shall be submitted to the governing body for approval and purchase by such governing body, provided that the amount so expended for such books and periodicals shall be within the amount appropriated therefor. Books and periodicals purchased with this fund shall be properly stamped as belonging to the city or village. Such appropriation shall be made and books and periodicals purchased without submitting the same to a vote as provided in Section 40-3802.

Approved March 12, 1945.

OCCUPATIONS AND PROFESSIONS

CHAPTER 261

S. B. No. 206
Introduced by Senator Raschko

BOARD OF BARBER EXAMINERS, APPOINTMENT

An Act Amending and re-enacting Section 43-0405 of the North Dakota Revised Code of 1943, relating to the oath of office, filling of vacancies and the removal of the Board of Barber Examiners.

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

§ 1. AMENDMENT.] That Section 43-0405 of the North Dakota Revised Code of 1943, be and the same is hereby amended and re-enacted to read as follows:

43-0405. OATH OF OFFICE: HOW VACANCIES FILLED; REMOVAL.] Each member of the board shall qualify by taking the oath required for civil officers. A vacancy on the board shall be filled by appointment by the governor for the unexpired term. Such appointment shall be made from the list of five names submitted to the governor by the state barber association from which the original appointment was made. A member of the board may be removed by the governor for cause.

Approved March 13, 1945.

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 Dakokta 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.

CHAPTER 267

S. B. No. 40
Introduced by Committee on Judiciary

CODE

An Act For the adoption of the North Dakota Revised Code of 1943, consisting of sixty-five titles, including an integration of the 1943 Session Laws, as a complete body of laws, repealing all laws not specifically excepted, and declaring an emergency.

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

§ 1.

§ 2. No provision of this Act shall be construed as a repeal of any of the laws enacted at the 1944 Extraordinary Session of the 28th Legislative Assembly.

§ 3. The provisions of Section 1-0233 of Section 1 of this Act shall not apply to the laws enacted at the regular 1943 Session of the 28th Legislative Assembly.

§ 4. EMERGENCY.] 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 January 20, 1945.

LIST OF AMENDMENTS TO SENATE BILL NO. 40

In the title of the bill strike out the words "Revised Code of North Dakota for" and insert in lieu thereof "North Dakota Revised Code of." In line 4 of the title strike out the word "and" before the word "repealing".

In Section 1 of the bill, in volume 1 thereof, on the fourth line from the top of page 53 strike out the figures "1-0223" and insert in lieu thereof "1-0233".

In Section 1 of the bill, in volume 1 thereof on page 110 in Section 4-0730 on line 1 thereof insert a colon after the words "Preferred Stock."

In Section 1 of the bill, in volume 1 thereof, on page 170 in Section 4-2101 on said page strike out the last sentence thereof and insert in lieu thereof the following: "No bounty shall be paid in any year in excess of the amount of real estate taxes levied for the year in which the bounty is claimed, upon the quarter section of land of which the parcel of land planted to trees is a part."

In Section 1 of the bill, in volume 1 thereof, on page 392 in the first line of Section 10-0338 on said page after the word "Delin-

quency" strike out the word "or" and insert in lieu thereof the word "of".

In Section 1 of the bill, in volume 1 thereof, on page 563 in the first line of Section 11-1132 on said page strike out the word "Commissions" and insert in lieu thereof the word "Commissioners."

In Section 1 of the bill, in volume 1 thereof, on page 769 in the first line of Section 12-4206 on said page after the word "Carrying" insert the word "On."

In Section 3 of the bill, in the second line thereof strike out the figures "1-0223" and insert in lieu thereof "1-0233."

CHAPTER 268

H. B. No. 280
Introduced by Delayed Bills Committee

DESTRUCTION OF OBSOLETE RECORDS

An Act Providing for the Distribution and Destruction of the Session Laws of North Dakota of 1943 and Prior Years and for the Destruction of Unnecessary and Obsolete Records, Documents and Correspondence More Than Fifteen Years Old of any State Department, Agency, Board, Bureau or Commission Having Offices in the Capitol Building or the Liberty Memorial Building, and Providing for Certain Exceptions.

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

§ 1. That the Session Laws of 1943 and prior years be disposed of and distributed by the Secretary of State by turning over to the paper salvage drive all paper-bound session laws and that the buckram-bound session laws shall be distributed free to any person requesting a copy thereof, the transportation charges to be paid by the recipient, or, in the discretion of the Secretary of State, the buckram-bound copies of the session laws be turned over to the paper salvage drive.

§ 2. Whenever necessary to obtain needed vault space, the chief executive officer of any State department, agency, board, bureau or commission having offices in the Capitol Building or the Liberty Memorial Building may destroy all unnecessary records, documents, and correspondence more than fifteen years old, excepting such documents which might be or become valuable as historical records or documents; provided that no document, record or correspondence shall be destroyed which might be evidence in any civil or criminal action or proceedings until the statute of limitations applicable thereto shall bar such action or proceeding in which such document or record might be evidence.

Approved February 27, 1945.

CHAPTER 269

H. B. No. 48
Introduced by Representatives Bubel and Maher

DISTRIBUTION OF LAWS TO COUNTY OFFICERS

An Act To amend and re-enact Section 46-0405 of the North Dakota Revised Code of 1943, relating to the distribution of Session Laws, Compilations and Codifications to County Officers and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 46-0405 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 46-0405. DISTRIBUTION SESSION LAWS, COMPILATIONS AND CODIFICATIONS TO COUNTY OFFICERS.] The board of county commissioners of each county, immediately after the publication of any session laws, codes, or compilations, shall cause a copy thereof to be furnished to the following county officers:

1. Auditor;
2. State's attorney;
3. Clerk of court;
4. Sheriff;
5. County judge; and
6. The district court of such county.

If any of such offices legally have been combined in such county, only one copy of the session laws, codes, or compilations need be furnished for the offices so combined.

Provided, however, that such codifications and copies of the session laws shall remain the permanent property of the county.

§ 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.

Approved March 13, 1945.

CHAPTER 270

H. B. No. 186
Introduced by Representatives Sharpe and Lindberg

STATE PRINTING, CLASS FIVE

An Act To Amend and Re-enact Section 46-0209 of the North Dakota Revised Code of 1943, Relating to Proposals for Printing: Classification 5.

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

§ 1. AMENDMENT.] That Section 46-0209 of the North Dakota Revised Code of 1943 be, and the same is hereby amended and re-enacted to read as follows:

§ 46-0209. PROPOSALS FOR PRINTING: CLASSIFICATION 5] Each department and office of the state government may let the printing of all matters coming within classification 5 to such newspaper or job printing shop in this state as may be equipped to handle, perform, and take proper care of the work required and to furnish the stock necessary. No newspaper or job printing shop awarded printing under this class shall be permitted to sublet the same. Before letting or submitting such order for printing or miscellaneous job work to such newspaper or job printing shop, the department or state office shall submit such order or requisition for printing to the state printing commission and the state printer, who shall determine and fix the reasonable cost or price for such printing work and the stock required. The price fixed and determined by the state printing commission and the state printer shall be the cost of and the price paid by such department or office for the work and printing so ordered and the material furnished. Such cost and price so fixed shall not exceed the price and cost as provided for in the Franklin Printing Catalogue. Such cost or price shall be determined and fixed by the state printing commission and the state printer according to the kind and quality of material required and the kind of work necessary. Upon the determining and fixing of such cost and price to be charged for the work required, the state department or office may have such work and printing done and the material furnished by such newspaper or job printing shop in this state as the said state department or office shall select.

Approved March 10, 1945.

PROPERTY

CHAPTER 271

S. B. No. 106
Introduced by Senators Drew, Murry, Troxel, Krenz and Semerad

SALE OF STATE AND COUNTY LANDS

An Act Repealing Chapter 1 of the Authenticated Edition of the Special Session Laws of 1944 relating to suspending sale of state and county lands and declaring an emergency.

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

§ 1. REPEAL.] That Chapter 1 of the Authenticated Edition of the Special Session Laws of 1944 is hereby repealed.

§ 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.

Approved February 28, 1945.

PUBLIC UTILITIES

CHAPTER 272

H. B. No. 223
Introduced by Representatives Hegge and Falconer

COMMON MOTOR CARRIERS REGULATION; AMENDMENT

An Act To amend and re-enact subdivisions 4 and 5 of Section 49-1808 of the North Dakota Revised Code of 1943, pertaining to the regulation of common motor carriers by the Public Service Commission.

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

§ 1. AMENDMENT.] That subdivision 4 of Section 49-1808 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

4. Prevent unfair competition between common motor carriers and between them and the lines of competing railroads.

§ 2. AMENDMENT.] That subdivision 5 of Section 49-1808

of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

5. Prevent unjust discrimination or preferences between common motor carriers and between them and competing railroads, and may require the coordination of motor service and schedules of such carriers with rail service.

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

Approved March 13, 1945.

CHAPTER 273

H. B. No. 172
Introduced by Representatives Thompson of Richland Wolf of McIntosh and Bagge

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EXEMPTING CERTAIN FARM TRUCKING FROM MOTOR CARRIERS REGULATIONS

An Act To amend and re-enact Section 49-1802 of the North Dakota Revised Code of 1943, providing for certain exemptions to farmers hauling own goods from the provisions of Chapter 49-18, North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. That Section 49-1802 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

49-1802. CHAPTER NOT APPLICABLE TO FARMERS HAULING OWN GOODS.] The provisions of this chapter shall not apply to:

1. Any farmer or association of farmers engaged in operating or controlling a motor vehicle engaged in the transportation of grain, seed, feed, poultry, livestock, dairy products, or any other agricultural products or farm supplies from the farm where such products are produced, grown, or further processed, to the market, village, or place where such products are sold, stored, or disposed of, when transported by the producer thereof or by an association of producers transporting the products of its producer members;

2. The transporting of such goods from the market, village, or place where the same are purchased or acquired to the farm where the same are to be used, consumed, or further processed by such farmer or association; nor

3. The transportation of property between the farms and the usual local trading places of the person for whom such transportation is performed, or between farms locally.

4. The emergency transportation anywhere in this state, of grain, seed, feed, farm machinery, poultry, livestock, dairy or other perishable produce: (1) between the farm where the same may be raised, or produced; and the market where the same may be sold, stored, or otherwise disposed of; (2) between the market where the same may be purchased or acquired and the farm where the same may be used, processed or consumed; (3) between the farm where the same may be raised or produced and the farm where the same may be used, processed or consumed, provided, however, that the person for whom such transportation service is furnished shall have obtained a written agreement from, and signed by, the nearest licensed Special or Agricultural carrier to the effect that such licensed motor carrier is unable to furnish such transportation service within 48 hours from the time, the application for such application for such transportation is made.

§ 2. 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 9, 1945.

CHAPTER 274

H. B. No. 239
Introduced by Representatives Haugland, Wolf of Morton
Olson of Barnes and Lillehaugen

LIABILITY FOR ELECTRICAL INTERFERENCE; MODIFIED

An Act To provide immunity from liability, in the absence of negligent construction or operation, for inductive interference caused in communication circuits by electric facilities; to repeal all acts and parts of acts in conflict herewith.

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

§ 1. No person, firm, association, corporation or body politic owning or operating electric light and power facilities shall be liable, in the absence of negligent construction or operation of such electric light and power facilities, for inductive interference caused in communication circuits, and shall not, in the absence of negligent construction or operation of such electric light and power facilities, be required to bear any portion of the cost of avoiding, minimizing or mitigating such inductive interference. The burden of proof of negligent construction or operation of such electric light and power facilities shall be upon the person, firm, association, corporation or body politic complaining of the inductive interference.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 13, 1945.

CHAPTER 275

S. B. No. 47
Introduced by Senators Young, Stucke, Kehoe and Streibel

PUBLIC UTILITY RATES

An Act To establish prudent investment as the standard for valuation of public utility property for rate-making purposes and repealing Section 49-0602 and Section 49-0603 of the North Dakota Revised Code of 1943, and all acts or parts of acts in conflict herewith.

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

§ 1. The value of the property of a public utility, as determined by the Public Service Commission for rate-making purposes, shall be the money honestly and prudently invested therein by the Utility less accrued depreciation.

§ 2. The value of public utility property for rate-making purposes shall not include or be affceted by good-will value; going concern value; or franchise value in excess of payments made therefor.

§ 3. Section 49-0602 and Section 49-0603 of the North Dakota Revised Code of 1943, and all acts or parts of acts in conflict herewith, are hereby repealed.

Approved February 23, 1945.

CHAPTER 276

H. B. No. 127
Introduced by Committee on Appropriations

PUBLIC UTILITY VALUATION FUND

An Act To create a "Public Utility Valuation Fund" in the State Treasury, and to provide for the payment of all monies into the general fund of the State, and declaring an emergency.

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

§ 1. There is hereby created a special fund in the Office of the

State Treasury, to be known as the "Public Utility Valuation Fund," which fund shall be used by the Public Utility Division of the Public Service Commission as provided in Section 49-0618 of the North Dakota Revised Code of 1943.

§ 2. All costs and expenses of valuation and/or revaluation collected by the Commission under the provisions of Section 49-0618 of the North Dakota Revised Code of 1943, shall be paid into the general fund of the State Treasury.

§ 3. This Act is declared to be an emergency measure and shall be in full force and effect after its passage and approval.

Approved March 2, 1945.

CHAPTER 277

S. B. No. 186
Introduced by Senators Streibel, Lynch, and Olson of Mountrail

SPECIAL MOTOR CARRIERS, RESTRICTIONS

An Act Amending and re-enacting Section 49-1810, of the North Dakota Revised Code of 1943, relating to special common motor carriers; restrictions.

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

§ 1. AMENDMENT.] That section 49-1810 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

49-1810. SPECIAL COMMON MOTOR CARRIERS; RESTRICTIONS.] Special common motor carriers may transport commodities within their authority in any quantity but only from or to that territory or zone for which they heretofore lawfully served, proved or hereafter may prove, public convenience and necessity. A special common motor carrier shall have the authority:

1. To transport household goods, emigrant movables, livestock, and farm supplies, or other special commodities or general commodities in truckloads as defined by the commission, from or to points not in such zone or between points on Class A routes, by the authority and under the conditions and rules set by the commission;
2. To specify minimum shipments which the carrier shall be obliged to carry, by tariff publication, subject to the approval of the commission.

Approved March 13, 1945.

PUBLIC WELFARE

CHAPTER 278

H. B. No. 215
Introduced by Committee on Public Welfare

AID TO DEPENDENT CHILDREN

An Act To amend and re-enact Sections 50-0901 and 50-0905 of the North Dakota Revised Code of 1943 pertaining to definitions and eligibility for assistance for Aid to Dependent Children, and repealing Section 6 of Chapter 221 of the Session Laws of 1943.

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

§ 1. AMENDMENT.] That Section 50-0901 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0901. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "State agency" shall mean the public welfare board of North Dakota;

2. "County agency" shall mean the county welfare board in each of the counties of this state;

3. "Private agency" shall mean a private child-caring or child-placing agency duly licensed under the laws of North Dakota, or a private maternity home providing special care exclusively for unmarried expectant mothers or mothers and their infants, and duly licensed under the laws of North Dakota;

4. "Assistance" shall mean money payments with respect to, or goods and services provided for dependent children, including payments for the care of unmarried mothers and their infants;

5. "Applicant" shall mean a person or agency having the custody of a dependent child making application for aid for such child under the provisions of this chapter;

6. "Dependent child" shall mean any needy child:

   a. Under the age of eighteen years, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent;

   b. Under the age of twenty-one years, who is abandoned by his parent, guardian, or custodian;

   c. Under the age of twenty-one years, whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, medical or surgical

care, or other care necessary for his health, morals, or well being; or

d. Under the age of twenty-one years, who is in need of special care as provided by a private agency for which his parent, guardian, or custodian neglects, refuses, or is unable to provide.

§ 2. AMENDMENT.] That Section 50-0905 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0905. ELIGIBILITY FOR ASSISTANCE.] Aid shall be granted under this chapter to any needy dependent child, as defined in section 50-0901, who:

1. Is living with a relative, by birth, marriage, or adoption, in a place of residence maintained by one or more of such relatives as his or their own home; has resided in the state for one year immediately preceding the application for such assistance, or was born within the year immediately preceding application and whose mother had resided in the state for so many months immediately preceding his birth as, added to the age of the child, aggregate one year immediately preceding the date of application; or

2. Is living in a boarding home licensed under the laws of North Dakota, or in a home or institution maintained and operated or selected by a private agency.

§ 3. REPEAL.] That Section 6 of Chapter 221 of the Session Laws of North Dakota for 1943, providing that the provisions of said Chapter 221 shall terminate on June 30, 1945, is hereby repealed, it being the intention that said Chapter 221 of the Session Laws of 1943 as incorporated in the North Dakota Revised Code of 1943 shall continue in full force and effect.

Approved March 10, 1945.

CHAPTER 279

H. B. No. 217
Introduced by Committee on Public Welfare

AID TO NEEDY BLIND ACT AMENDED

An Act To amend and re-enact Sections 50-0801 and 50-0803 of the North Dakota Revised Code of 1943 pertaining to definitions and eligibility for assistance for Aid to Needy Blind.

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

§ 1. AMENDMENT.] That Section 50-0801 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0801. DEFINITIONS.] In this chapter unless the context or subject matter otherwise clearly requires:

1. "State agency" means the public welfare board of North Dakota;

2. "County agency" means the county welfare board in each of the several counties of the state;

3. "Applicant" means a person who has applied for aid to the blind;

4. "Recipient" means a person who has received assistance under the terms of this chapter;

5. "Assistance" means money payments to, or goods and services provided for needy blind persons.

6. "Ophthalmologist" means a physician licensed to practice medicine in this state and who is actively engaged in the treatment of diseases of the human eye;

7. "Supplementary services" means services other than money payments to blind persons in need as provided in this chapter.

§ 2. AMENDMENT.] That Section 50-0803 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0803. ELIGIBILITY FOR ASSISTANCE.] Assistance shall be given under this chapter to any person who:

1. Has resided ten years in the United States, or is a citizen of the United States;

2. Is not more than sixty-five years of age, except that any person who is sixty-five years of age or more and who, although not in need for ordinary subsistence requirements, is not able to pay the cost of treatment to prevent blindness or to restore vision shall be eligible for treatment as provided in section 50-0820 of this chapter, if approved by the state agency;

3. Has resided in the state for not less than one year continuously immediately preceding application for assistance;

4. Has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

5. Has not sufficient income or other resources to provide a reasonable subsistence compatible with health and well-being;

6. Is not an inmate of nor being maintained by any municipal, state or national institution at the time of receiving assistance; provided however, that the state agency shall have the authority to make payments as provided in this chapter to residents of such public institutions as are approved by the state agency;

7. Has not made an assignment or transfer of property so as to render himself eligible for assistance under this chapter.

Approved March 10, 1945.

CHAPTER 280

H. B. No. 221
Introduced by Committee on Public Welfare by Request

BOARDING HOMES FOR AGED AND INFIRM

An Act Relating to boarding homes for the aged and infirm; to define "boarding home for the aged and infirm"; to provide for the licensing and regulating of such homes by the Public Welfare Board of North Dakota; to provide for establishing such rules as may be necessary to carry out the provisions of this act; to provide for a prescribed record to be kept, according to the prescribed form and manner, by the owner or manager of such home; providing upon request for inspection of premises and report by the State Department of Health and/or State Fire Marshal; making it the duty of the Board to give information concerning minimum requirements and concerning need for such homes in any given community; and providing for a penalty.

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

§ 1. As used in this act, the term "boarding home for the aged and infirm" shall mean any place, not licensed by the State Department of Health, operated by any person, institution, organization or private or public corporation, in which three or more adults who are aged or infirm and not related by blood or marriage to the owner or manager of said place, are received, kept and provided with food, shelter and care for hire or compensation.

§ 2. It shall be the duty of the State Public Welfare Board of North Dakota, hereinafter referred to as the board, to establish rea-

sonable minimum standards for such homes. The board shall grant annual licenses to such boarding homes as conform to the standards established and comply with the rules prescribed, inspect all places, as provided for in section one of this act, and prosecute all violations of this act. Upon request of the board the State Department of Health and/or the State Fire Marshal shall inspect any place for which a license is applied for or issued and shall report these findings to the board.

§ 3. No person, institution, organization or public or private corporation shall keep, operate, conduct or manage a boarding home as defined in section one of this act without holding a valid license issued by such board as herein provided, providing, however, that any such home now operating may have until January 1, 1946 to obtain such license. The license shall not be valid for more than one year. Any license may be revoked by the board for violation of the provisions of this act and the rules which may be prescribed by the board.

§ 4. The license shall show the name of the owner or manager of the boarding home, its location and the maximum number of persons that may be received and kept in the home at any one time.

§ 5. A record of every aged and infirm adult person admitted to any such boarding home shall be kept by the owner or manager in the manner and form prescribed by the board at the place licensed.

§ 6. The board is authorized to make such rules, not inconsistent with the law, as may be necessary to carry out the purposes of this act.

§ 7. It shall be the duty of the board whenever called upon by any person, organization, corporation or community interested in establishing such a boarding home to furnish information concerning the minimum requirements for such home, and concerning the need for such boarding home in any given community.

§ 8. Any person, whether the owner or manager or the representative of any owner or manager, who violates any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars ($100.00) or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Approved March 10, 1945.

CHAPTER 281

H. B. No. 214
Introduced by Committee on Public Welfare

OLD AGE ASSISTANCE ACT AMENDED

An Act To amend and re-enact Sections 50-0701, 50-0703, and 50-0715 of the North Dakota Revised Code of 1943 pertaining to definitions, eligibility for assistance, payment of assistance to guardian for benefit of recipient, and providing for authority to compromise and settle claims, for Old Age Assistance.

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

§ 1. AMENDMENT.] That Section 50-0701 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0701. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "State agency" shall mean the public welfare board of North Dakota;

2. "County agency" shall mean the county welfare board in each of the several counties of the state;

3. "Applicant" shall mean a person who has applied for old age assistance;

4. "Recipient" shall mean any person who has received assistance under the terms of this chapter;

5. "Assistance" means money payments to, or goods and services provided for needy, aged persons.

§ 2. AMENDMENT.] That Section 50-0703 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0703. ELIGIBILITY FOR ASSISTANCE TO THE NEEDY AGED.] Assistance shall be granted under this chapter to any person who:

1. Has resided ten years in the United States, or is a citizen of the United States;

2. Has attained the age of sixty-five years, but if at any time the laws of the United States shall authorize funds for old age assistance granted by the United States to the state to be paid to a person less than sixty-five years of age, then the state agency shall have authority to reduce the age of an applicant for old age assistance to such lesser age;

3. Has resided in North Dakota continuously for one year immediately preceding application for old age assistance, except that, in order to establish eligibility for old age assistance in North Dakota,

any person who is eligible for old age assistance in another state shall be required to reside in North Dakota for the same period of time as a person moving from North Dakota to such other state would be required to reside, under such other state's laws or regulations, in order to establish eligibility under such other state's old age assistance program; provided, however, that absence from the state for purposes related to the prosecution of the present war, which absence existed after December 7, 1941 and for not more than six months after peace is declared, shall not be considered to interrupt or destroy such residence eligibility of an applicant for old age assistance as he may have had at the time such absence was begun unless, during the period of such absence, he has established eligibility for old age assistance in another state;

4. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

5. Is not an inmate of nor being maintained by any municipal, state or national institution at the time of receiving assistance; provided however, that the state agency shall have the authority to make payments as provided in this chapter to residents of such public institutions as are approved by the state agency;

6. Has no child or other relative of sufficient financial ability to support him, who is responsible under the law for his support, provided, however, that if such child or other relative refuses or neglects to provide necessary assistance such refusal or neglect shall not make such applicant ineligible for assistance to the needy aged;

7. Has not at any time before or after making application for old age assistance made an assignment or transfer of property for the purpose of rendering himself eligible for old age assistance under this plan.

§ 3. AMENDMENT.] That Section 50-0715 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0715. PAYMENT TO GUARDIAN FOR BENEFIT OF RECIPIENT.] Whenever a guardian shall have been appointed for any needy aged person by a court of competent jurisdiction in the state of North Dakota, the payment of old age assistance under the provisions of this chapter shall be made to such legal guardian. The legal guardian shall file with the county agency a report at the end of each calendar year, showing the disbursement of the money so received by him as old age assistance payments.

§ 4. AUTHORITY TO COMPROMISE AND SETTLE.] The State Agency shall have the authority to enter the appearance of the state in any proceeding affecting property upon which the state may have a claim for old age assistance, to prosecute and defend in any such proceedings, to institute probate proceedings as a creditor to deceased persons, and either in the course of or in the absence of and apart

from any action or proceeding enter into any stipulation, compromise, settlement or other agreement or arrangement in respect to such claim as may seem wise, and to execute any such stipulation, modification, quit claims, releases, partial releases, discharges, extensions, agreements, satisfactions, partial satisfactions or subordination or other contract or stipulation or agreement which the interest of the parties or the circumstances of the case may make advisable.

Approved March 10, 1945.

SALES AND EXCHANGE

CHAPTER 282

H. B. No. 100
Introduced by Representatives Fitch and Wolf of McIntosh

TRANSIENT MERCHANTS, DEFINED

An Act Amending and re-enacting Section 51-0401 of the North Dakota Revised Code of 1943, Defining "Transient Merchant" and "Merchandise."

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

§ 1. AMENDMENT.] That Section 51-0401 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

51-0401. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "Transient Merchant" means one who engages in the vending or sale of merchandise at any place temporarily, or one who engages in the manufacturing, making, producing, creating or processing and vending of merchandise at any place temporarily, and who does not intend to become a permanent merchant of such place; and

2. "Merchandise" shall not include any agricultural product.

Approved February 28, 1945.

SOCIAL SECURITY

CHAPTER 283

S. B. No. 192
Introduced by Senator Bridston

SOCIAL SECURITY ACT, AMENDMENT

An Act To permit the state of North Dakota, its departments, political subdivisions and all instrumentalities and agencies of either of them, and the employees thereof, to participate in the Federal Old Age Benefits provisions of the Social Security Act, and to make the contributions therein provided for, if and when such Act is amended to permit such participation and repealing all acts or parts of acts in conflict herewith.

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

§ 1. If and when the Federal Social Security Act, being Chapter 7 of Title 42, United States Code, shall be amended to permit such participation, the State of North Dakota, all departments thereof, all political subdivisions thereof, and all instrumentalities and agencies of any of them, shall be and they are hereby authorized, in the discretion of the governing board or authority of each such department, political subdivision, instrumentality or agency, to participate in the Federal Old Age Benefits provisions of said Social Security Act, as amended, including the acceptance of all benefits provided under Title II of said Act, and the payment of employers' contributions and the deduction of employees' contributions under the provisions of Title VIII thereof, to the full extent permitted by said Social Security Act or any future amendment thereof.

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

Approved March 13, 1945.

CHAPTER 284

H. B. No. 62

Introduced by Representatives Fleck and Ohnstad, by request

UNEMPLOYMENT COMPENSATION ACT

An Act Amending and re-enacting the Social Security Unemployment Compensation Act by amending and re-enacting 52-01, of the North Dakota Revised Code of 1943, relating to definitions and general provisions, declaration of public policy, separability of provisions, providing for a saving clause, designation of title, and providing for repeal; 52-0201, of the North Dakota Revised Code of 1943, relating to North Dakota State Employment Service; 52-0215, of the North Dakota Revised Code of 1943, relating to reciprocal arrangements with other States and Federal Government; 52-0301, of the North Dakota Revised Code of 1943, relating to unemployment compensation fund; 52-04, of the North Dakota Revised Code of 1943, relating to contributions, period of limitations upon assessment of contributions, and administrative determinations of coverage; 52-0601, of the North Dakota Revised Code of 1943, relating to conditions required to be eligible to benefits; 52-0602, of the North Dakota Revised Code of 1943, relating to disqualification for benefits; 52-0604, of the North Dakota Revised Code of 1943, relating to amount of benefits; 52-0605, of the North Dakota Revised Code of 1943, relating to duration of benefits; 52-0616, of the North Dakota Revised Code of 1943, relating to redeterminations made by division; 52-0617, of the North Dakota Revised Code of 1943, relating to appeal from redetermination; 52-0627, of the North Dakota Revised Code of 1943, relating to judicial review of decision; 52-0702, of the North Dakota Revised Code of 1943, relating to definitions.

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

§ 1. AMENDMENT.] That 52-01 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0101. DEFINITIONS.] In this title, unless the context or subject matter otherwise requires:

1. "Annual pay roll" means the total amount of wages for employment paid by an employer during a twelve-month period ending on December thirty-first of any calendar year;
2. "Average annual pay roll" means the average of the annual pay rolls of an employer for the last three preceding twelve-months periods;
3. "Base-period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year;
4. "Benefits" means the money payments payable to an individual with respect to his unemployment as provided in this chapter;
5. "Benefit year" with respect to any individual means the

one-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and thereafter the one-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his last preceding benefit-year. Any claim for benefits made in accordance with section 52-0601 shall be deemed a valid claim for the purpose of this subsection if the individual has been paid the wages for insured work required under section 52-0601, subsection 5;

6. "Bureau" means the North Dakota workmen's compensation bureau;

7. "Division" means the unemployment compensation division of the workmen's compensation bureau;

8. "Calendar quarter" means the period of three consecutive calendar months ending on March thirty-first, June thirtieth, September thirtieth, or December thirty-first;

9. "Contributions" means the money payments required by this title to be made into the North Dakota unemployment compensation fund by any employing unit on account of having individuals in its employ;

10. "Employing unit" means any individual or type of organization including any partnership, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had one or more individuals performing services for it within this state and:
    a. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be performing services for a single employing unit for all the purposes of this title;
    b. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any work which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or sub-contractor is an employer by reason of subsection 11 of this section, the employing unit, for all purposes of this title, shall be deemed to employ each individual in the service of each such contractor for each day during which such individual is engaged solely in performing such work, except that each such contractor or subcontractor who is an employer by reason of subsection 11 of this section shall be liable alone for the

employer's contributions measured by wages to individuals in his service; and

c. Each individual employed to perform or to assist in performing the work of any person in the service of an employing unit shall be deemed to be engaged by such employing unit for all the purposes of this title whether such individual was hired or paid directly by such employing unit or by such person, if the employing unit had actual or constructive knowledge of the employment;

11. "Employer" means:

a. Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty different calendar weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year has or had in employment, eight or more individuals, irrespective of whether the same individuals are or were employed in each such day. For the purpose of this definition, if any week includes both December thirty-first and January first, the days up to January first shall be deemed one calendar week and the days beginning January first another such week;

b. Any individual who or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another who or which at the time of such acquisition was an employer subject to the provisions of this title, or who or which acquired a part of the organization, trade or business of another which at the time of such acquisition was an employer subject to the provisions of this title if such other would have been an employer under paragraph a of this subsection if such part had constituted its entire organization, trade, or business;

c. Any individual who or employing unit which acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit if the employment record of such individual or employing unit subsequent to such acquisition, together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit an employer subject to this title under paragraph a of this subsection;

d. Any employing unit, which together with one or more other employing units, is owned or controlled, by legally enforcible means or otherwise, directly or indirectly by the same interests, or which owns or controls one or more (other) employing units, by legally enforcible means or otherwise, and which, if treated as a single unit with

such other employing unit, or interests, or both, would be an employer under paragraph a of this subsection;

e. Any employing unit not an employer by reason of any other paragraph of this subsection for which services in employment are performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions paid into a state unemployment compensation fund;

f. Any employing unit which, having become an employer under any one of paragraphs a, b, c, or d, has not under chapter 5 of this title ceased to be an employer subject to this title; or

g. For the effective period of its election pursuant to sections 52-0502 and 52-0503, any other employing unit which has elected to become fully subject to this title;

12. "Employee" means every individual, whether male, female, citizen, alien, or minor, who is performing, or subsequent to January 1, 1936, has performed, services for an employer in an employment subject to this title;

13. "Employment" means:

a. Any service performed prior to July 1, 1941, which was employment as defined in this section prior to such date, and subject to the other provisions of this subsection, service performed after July 1, 1941, including service in interstate commerce, and service as an officer of a corporation performed for wages or under any contract of hire, written or oral, express or implied;

b. An individual's entire service, performed within or both within and without this state if:

(1) The service is localized in this state; or

(2) The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state;

c. Services covered by an election pursuant to chapter 5 of this title; and

d. Services covered by an arrangement pursuant to sections 52-0214 and 52-0215 between the bureau and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely with-

in this state, shall be deemed to be employment if the bureau has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work;

e. Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this title irrespective of whether the common-law relationship of master and servant exists unless and until it is shown to the satisfaction of the bureau that:
   (1) Such individual has been and will continue to be free from such control or direction over the performance of such services, both under his contract of service and in fact; and
   (2) Such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and
   (3) Such individual customarily is engaged in an independently established trade, occupation, profession, or business;

14. "Localized service." Service shall be deemed to be localized within a state if:
   a. The service is performed entirely within such state; or
   b. The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions;

15. "Employment" shall not include:
   a. Agricultural labor as defined in subsection 17 of this section;
   b. Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;
   c. Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;
   d. Casual labor not in the course of the employing unit's trade or business;
   e. Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;
   f. Service performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this title, except that to the

extent that the congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this title shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; but if this state shall not be certified for any year by the social security board under section 1603, subsection c of the Federal Internal Revenue Code, the payments required of such instrumentalities with respect to such year shall be refunded by the bureau from the fund in the same manner and within the same period as is provided in section 52-0414 with respect to contributions erroneously collected;

g. Service performed in the employ of this state or of any other state, or of any political subdivision thereof, or of any instrumentality of any one or more of the foregoing which is owned wholly by this state or by any one or more states or political subdivisions, and any service performed in the employ of any instrumentality of this state or of one or more states or political subdivisions to the extent that the instrumentality is, with respect to such service, exempt under the constitution of the United States from the tax imposed by section 1600 of the Federal Internal Revenue Code;

h. Service with respect to which unemployment is payable under an unemployment compensation system established by an act of congress;

i. Service performed:

(1) In any calendar quarter in the employ of any or-organization exempt from income tax under section 101 of the Federal Internal Revenue Code, if:

(a) The remuneration for such service does not exceed forty-five dollars; or

(b) Such service is in connection with the collection of dues or premiums for a fraternal benefit society, order, or association, and is performed away from the home office, or is ritualistic service in connection with any such society, order, or association;

(c) Such service is performed by a student who is enrolled and regularly is attending classes at a school, college, or university;

(2) In the employ of an agricultural or horticultural or-

ganization exempt from income tax under section 101 (1) of the Federal Internal Revenue Code;

(3) In the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if:
   (a) No part of its net earnings inures, other than through such payments, to the benefit of any private shareholder or individual; and
   (b) Eighty-five percent or more of the income consists of amounts collected from members for the sole purpose of making such payments (and) meeting expenses;

(4) In the employ of a voluntary employees' beneficiary association providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if:
   (a) Admission to membership in such association is limited to individuals who are officers or employees of the United States Government; and
   (b) No part of the net earnings of such association inures, other than through such payments, to the benefit of any private shareholder or individual;

(5) In any calendar quarter in the employ of a school, college, or university, not exempt from income tax under section 101 of the Federal Internal Revenue Code, if such service is performed by a student who is enrolled and regularly is attending classes at such school, college, or university, and the remuneration for such service does not exceed forty-five dollars, exclusive of room, board, and tuition;

(6) In the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(7) As a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly is attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an interne in the employ of a hospital by an individual who has

completed a four year's course in a medical school chartered or approved pursuant to a state law;

(8) By an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission; or

(9) By an individual under the age of eighteen in delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

j. Service covered by an arrangement between the bureau and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state;

16. "Included and excluded service." If the service performed during one-half or more of any pay-period by an individual for the person employing him constitute employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than one-half of any such pay-period by an individual for the person employing him do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, the term "pay-period" means a period, of not more than thirty-one consecutive days, for which a payment of remuneration ordinarily is made to the individual by the person employing him. This subsection shall not be applicable with respect to services performed in a pay-period by an individual for the person employing him, where any of such service is excepted by paragraph h of subsection 15;

18. "Employment office" means a free public employment office or branch thereof operated by this or any other state as a part of a state-controlled system of public employment offices or by a federal agency charged with the administration of an unemployment compensation program or free public employment offices;

19. "Fund" means the unemployment compensation fund established by this title, to which all contributions required and from which all benefits provided under this title shall be paid;

20. "State" includes, in addition to the states of the United States of America, Alaska, Hawaii, and the District of Columbia;

21. "Unemployed". An individual shall be deemed "unemployed" with respect to any week during which he performs no services and with respect to which no wages are payable to him, or with respect to any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount. The bureau shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to total unemployment, part-total unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work, as the bureau deems necessary;

22. "Wages" means all remuneration for services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Gratuities customarily received by an individual in the course of his work from persons other than his employing unit shall be treated as wages received from his employing unit. The reasonable cash value of remuneration in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules as prescribed by the bureau. The term "wages" shall not include:

a. For the purposes of chapter 4 of this title and of section 52-0601, subsection 5, that part of the remuneration which exceeds three thousand dollars paid to an individual by an employer with respect to employment during any calendar year after the first day of January, 1940;

b. The amount of any payment with respect to services performed after the first day of January, 1940, to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provision for individuals in its employ generally or for a class or classes of such individuals, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for such payment, on account of:

(1) Retirement;

(2) Sickness or accident disability;

(3) Medical and hospitalization expenses in connection with sickness or accident disability; or

(4) Death, if the individual in its employ has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums, or contributions to premiums, paid by his employing unit, and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to re-

ceive cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his services with such employing unit;

c. The payment by an employing unit, without deduction from the remuneration of the individual in its employ, of the tax imposed upon an individual in its employ under section 1400 of the Federal Internal Revenue Code with respect to services performed after July 1, 1941; or

d. Dismissal payments after July 1, 1941, which the employing unit legally is not required to make;

23. "Week" means such period of seven consecutive days, as the bureau may prescribe by regulation. The bureau by regulation may prescribe that a week shall be deem(ed) to be "in", "within", or "during" that benefit-year which includes the greater part of such week;

24. "Base-period wages" means the wages paid to an individual during his base-period for insured work; and

25. "Base-period employers" means the employers by whom an individual was paid his base-period wages.

52-0102. EMPLOYING UNIT TO KEEP RECORDS; REPORTS OF EMPLOYING UNIT; INSPECTION PROHIBITED: EXCEPTION.] Each employing unit shall keep true and accurate work records containing such information as the bureau may prescribe. Such records shall be open to inspection and may be copied by the bureau or its authorized representatives at any reasonable time as often as may be necessary. The bureau or the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the bureau, or he, deems necessary for the effective administration of this title. Information thus obtained shall not be published or be open to public inspection, other than to public employees in the performance of their public duties, in any manner revealing the employing unit's identity, but any claimant or his legal representative at a hearing before an appeal tribunal or the bureau shall be supplied with information from such records to the extent necessary for the proper presentation of his claim.

52-0103. DISCLOSURE OF INFORMATION.] Except as otherwise provided in this section, information obtained from any employing unit or individual pursuant to the administration of this title and determinations as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or his legal representative shall be supplied with information from the records of the division, to the extent necessary for the proper presentation of his claim in any proceeding under this

title with respect to such claim. Subject to such restrictions as the bureau by regulations may prescribe, such information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury, and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon a request, the bureau shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this title. The bureau may request the comptroller of the currency of the United States to cause an examination of the correctness of any return or report of any national banking association, rendered pursuant to the provisions of this title, and in connection with such request, may transmit any such report or return to the comptroller of the currency of the United States as provided in section 1606, subs. c of the Federal Internal Revenue Code.

52-0104. PENALTY FOR DISCLOSURE OF INFORMATION OR USE OF LIST OF NAMES.] Any employee, appeals referee, member of any appeals tribunal, member of the workmen's compensation bureau, or any employee of said bureau, who in violation of the provisions of section 52-0103 makes any disclosure of information obtained from any employing unit or individual in the administration of this title, or any person who has obtained any list of applicants for work, or of claimants or of recipients of benefits under this chapter, who uses or permits the use of such list for any political purpose, is guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not longer than ninety days, or by both such fine and imprisonment.

52-0105. DECLARATION OF PUBLIC POLICY.] As a guide to the interpretation and application of this Act, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals and welfare. Economic insecurity due to unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burdens. This can be provided by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. The legislature,

therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state will be promoted by providing, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own.

52-0106. SAVING CLAUSE.] The legislature reserves the right to amend or repeal all or any part of this title at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this title or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this title at any time.

52-0107. SEPARABILITY OF PROVISIONS.] If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of this title, and the application of such provision to other persons or circumstances, shall not be affected thereby.

52-0108. SHORT TITLE.] This Act shall be known and may be cited as the "North Dakota Unemployment Compensation Law."

52-0109. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 2. AMENDMENT.] That 52-0201 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0201. UNEMPLOYMENT COMPENSATION DIVISION AND NORTH DAKOTA STATE EMPLOYMENT SERVICE TO BE DIVISIONS OF BUREAU; REGULATIONS GOVERNING.] There shall be maintained within the North Dakota workmen's compensation bureau a division to be known as the "Unemployment Compensation Division." The "North Dakota State Employment Service" also shall constitute a division of the workmen's compensation bureau, and together with the unemployment compensation division shall constitute two coordinate divisions of such bureau, each of which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the bureau. In addition to compensation received as commissioners of the bureau, each of the three commissioners of the bureau may receive and retain as remuneration for their services under this chapter such sums as the United States government or the federal social security board may allow to them, not to exceed the sum of twelve hundred dollars per annum. Each division of the bureau shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budgets, and duties, except insofar as the bureau may find that such separation is impractical because of the small size of the territory served or of the volume of work performed. The bureau may appoint, fix the compensation of, and prescribe the duties

of the director of the unemployment compensation division. Such appointment shall be made on a nonpartisan merit basis.

§ 3. AMENDMENT.] That 52-0215 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0215. RECIPROCAL ARRANGEMENTS WITH OTHER STATES AND FEDERAL GOVERNMENT.] The bureau may enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government or both, whereby:

1. Services performed by an individual for a single employing unit, which services customarily are performed in more than one state, shall be deemed to be services performed entirely within any one of the states:
   a. In which any part of such individual's services is performed; or
   b. In which such individual has his residence; or
   c. In which the employing unit maintains a place of business if there is in effect as to such services, an election, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing unit, are deemed to be entirely within such state;
2. Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the bureau finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund;
3. Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under this title, and wages for insured work, on the basis of which an individual may become entitled to benefits under this title, shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the federal government is payable. No such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this title upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the bureau

finds will be fair and reasonable as to all affected interests; and

4. Contributions due under this title with respect to wages for insured work, for the purposes of sections 52-0411 to 52-0414, inclusive, shall be deemed to have been paid to the fund as of the date payment was made as contributions therefore under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursements to the fund of such contributions and the actual earnings thereon as the bureau finds will be fair and reasonable as to all affected interests.

§ 4. AMENDMENT.] That 52-0301 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0301. UNEMPLOYMENT COMPENSATION FUND: MAINTAINING AND ADMINISTERING; WHAT CONSTITUTES.] A Special fund, separate and apart from all public moneys or funds of this state, and known as the "Unemployment Compensation Fund," shall be maintained in the state treasury and shall be administered by the bureau exclusively for the purposes of this title. This fund shall consist of:

1. All contributions collected under this title together with any interest thereon collected pursuant to section 52-0411;
2. All fines and penalties collected pursuant to the provisions of this title;
3. Interest earned upon any moneys in the fund;
4. Any property or securities acquired through the use of moneys belonging to the fund; and
5. All earnings of such property or securities.

All moneys in the fund shall be mingled and undivided.

§ 5. AMENDMENT.] That 52-04 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0401. PAYMENT OF CONTRIBUTIONS BY EMPLOYER; WHEN; HOW.] Contributions shall accrue and become payable by each employer, for each calendar year in which he is subject to this title, with respect to wages for employment. Such contributions shall become due and shall be paid by each employer to the bureau for the fund in accordance with such regulations as the bureau may prescribe, and shall not be deducted in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

52-0402. RATES AND BASE OF CONTBIBUTIONS OF WAGES PAY-

ABLE BY EMPLOYER.] Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

1. One and eight-tenths percent with respect to employment occurring during the calendar year 1937; and
2. Two and seven-tenths percent with respect to employment occurring during the calendar years 1938, 1939, and 1940.

52-0403. RATE AND BASE OF CONTRIBUTIONS OF WAGES PAID BY EMPLOYER.] Each employer shall pay contributions equal to the following percentages of wages paid by him with respect to employment:

1. Two and seven-tenths percent with respect to employment occurring during the calendar year 1941 and during each calendar year thereafter, except as otherwise provided in sections 52-0404 to 52-0410, inclusive; and
2. After December 31, 1941, the percentage shall be determined pursuant to sections 52-0404 to 52-0410, inclusive.

52-0404. SEPARATE ACCOUNT OF EMPLOYERS CONTRIBUTIONS KEPT.] The bureau shall maintain a separate account for each employer showing his contributions, and shall credit his account with all the contributions paid by him since January 1, 1937. The provisions of this title shall not be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by the employer into the fund.

52-0405. STANDARD RATE OF CONTRIBUTIONS; REDUCTION OF RATES.] The standard rate of contributions payable by each employer shall be two and seven-tenths percent. No employer's rate shall be reduced below the standard rate for any succeeding calendar year unless and until his account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period ending on December thirty-first of the preceding calendar year.

52-0406. VARIATIONS IN STANDARD RATE OF CONTRIBUTIONS; HOW DETERMINED.] Variations from the standard rate of contributions shall be determined in accordance with the following requirements:

1. If the total of all an employer's contributions paid on or before January thirty-first of any year subsequent to December thirty-first, 1941, with respect to wages paid by him prior to the first day of January of that calendar year exceeds the total benefits which were chargeable to his account and were paid on or before December thirty-first of the preceding year with respect to weeks of unemployment compensated prior to such first day of January, his contribution rate for the ensuing calendar year shall be:
   a. Two and seven-tenths percent, if such excess is less than seven percent of his average annual pay roll;

b. Two and four-tenths percent, if such excess equals or exceeds seven but is less than eight percent of his average annual pay roll;
c. Two percent, if such excess equals or exceeds eight but is less than nine percent of his average annual pay roll;
d. One and one-half percent, if such excess equals or exceeds nine percent but is less than ten percent of his average annual pay roll;
e. One percent, if such excess equals or exceeds ten percent of his average annual pay roll.
f. Eight-tenths of one percent, if such excess equals or exceeds twelve percent of his average annual pay roll.
g. One-half of one percent, if such excess equals or exceeds fifteen percent of his average annual payroll.

2. If the total benefits chargeable against an employers account for all periods prior to January first of such calendar year, including benefits paid on or before January first, with respect to weeks of unemployment compensated prior to January first, exceed the total contributions paid by such employer for the same period, including contributions paid on or before January thirty-first with respect to wages paid prior to January first of the same year, his contribution rate for the ensuing calendar year shall be two and seven-tenths percent;

3. No employer's rate for the period of twelve months commencing January first of any calendar year shall be less than two and seven-tenths percent unless the total assets of the fund, excluding contributions not yet paid at the beginning of such calendar year, exceed the total benefits paid from the fund within the last preceding calendar year; and no employer's rate shall be less than two percent unless such assets at such time were at least twice the total benefits paid from the fund within such last preceding year;

4. No employer's rate shall be reduced below the standard rate for any calendar year unless and until he has had pay roll subject to contribution in each of the three years preceding the computation date equal to at least twenty percent of the highest annual pay roll in the three-year period.

52-0407. BENEFITS PAID CHARGEABLE TO ACCOUNTS OF BASE-PERIOD EMPLOYERS; HOW DETERMINED.] Benefits paid to an individual shall be charged against the accounts of his base-period employers. The amount of benefits so chargeable against each base-period employer's account shall bear the same ratio to the total benefits paid to an individual as the base-period wages paid to the individual by such employer bear to the total amount of the base-period wages paid to the individual by all his base-period employers.

52-0408. REORGANIZED EMPLOYING UNITS CONSIDERED SINGLE EMPLOYING UNIT; WHEN.] For the purpose of establishing benefit experience and fixing contributions to be paid an employing unit which in any manner succeeds to or acquired substantially all of the organization, trade, business, or the assets thereof, of any employing unit shall upon request be substituted to the position and all rights of the predecessor employing unit with respect to such predecessor employing unit's separate account, actual contributions and benefit experience, annual pay roll, or otherwise, as if no change with respect to such separate account, contributions and benefit experience, pay rolls or otherwise had occurred. The bureau upon notification thereof shall forthwith transfer to such succeeding employing unit all rights, accounts, contributions, benefit experience and all ratings of such predecessor employing unit in accordance with such regulations as the bureau may prescribe; provided that if good cause can be shown to the bureau why such transfer would be inequitable, the bureau may refuse the same.

52-0409. CLASSIFICATION OF EMPLOYERS TO DETERMINE CONTRIBUTIONS; REGULATIONS GOVERNING.] For the year 1942 and for each calendar year thereafter, the bureau shall classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts, with a view to fixing such contribution rates as will reflect such benefit experience. Each employer's rate for any calendar year shall be determined on the basis of his record as of January first of that calendar year. If, as of the date such classification of employers is made, the bureau finds that any employing unit has failed to file any report required in connection therewith, or has filed a report which the bureau finds incorrect or insufficient, the bureau shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to the bureau at the time, and shall notify the employing unit thereof by registered mail addressed to its last known address. Unless such employing unit shall file the report, or a corrected or sufficient report, as the case may be, within fifteen days after the mailing of such notice, the bureau shall compute such employing unit's rate of contributions on the basis of such estimates and the rate thus determined shall be subject to increase but not to reduction on the basis of subsequently ascertained information.

52-0410. CONTRIBUTIONS FOR ENSUING YEAR; NOTIFICATION OF; REVIEW OF.] The Bureau shall notify promptly each employer of his rate of contributions as determined for each ensuing year not later than March thirty-first of such ensuing year. Such contributions shall be computed pursuant to the provisions of this chapter. Such determination shall become conclusive and binding upon the employer unless, within fifteen days after the mailing of the notice thereof to his last known address, or in the absence of the

mailing, within fifteen days after the delivery of such notice, the employer files an application for review and redetermination, setting forth his reasons therefor. If the bureau grants such review, the employer shall be notified promptly thereof and shall be granted an opportunity for a hearing, but no employer shall have standing, in any proceeding involving his rate of contributions or contribution liability, to contest the chargeability to his account of any benefits paid in accordance with a determination, redetermination, or decision pursuant to the provisions of chapter 6 of this title except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute the services performed in employment for him and only in the event that he was not a party to such determination, redetermination, or decision or to any other proceedings under this chapter in which the character of these services was determined. The employer shall be notified promptly of the bureau's denial of his application, or of the bureau's redetermination, both of which shall become final unless within fifteen days after the mailing of notice thereof to his last known address or in the absence of mailing, within fifteen days after delivery of such notice, a petition for judicial review is filed in the district court of Burleigh County. Any proceeding before the court under the terms of this section shall be had in accordance with the provisions in chapter 6 of this title with respect to court review.

52-0411. UNPAID CONTRIBUTIONS TO BEAR INTEREST; INTEREST COLLECTED PAID INTO UNEMPLOYMENT COMPENSATION FUND.] Contributions unpaid on the date on which they are due and payable as prescribed by the bureau shall bear interest at the rate of one-half of one percent per month from and after such date until the payment plus the accrued interest is received by the bureau; except that in case of willful failure to file the reports and pay the contributions required by this chapter, there shall be added in addition to the interest five per centum of the contributions if the failure is for not more than sixty days, with an additional five per centum for each additional sixty days or fraction thereof during which such failure continues but not exceeding twenty-five per centum in the aggregate, exclusive of interest. The amount added pursuant to the provisions of this section shall be collected at the same time and in the same manner and as a part of the contributions and shall be paid into the unemployment trust fund.

52-0412. CIVIL ACTION TO COLLECT CONTRIBUTIONS OR INTEREST; PRIORITY OF ACTION ON CALENDAR.] After due notice, if any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by a civil action in the name of the bureau and the employer adjudged in default shall pay the cost of such action. Civil actions brought under this section to collect contributions or interest thereon, from an employer shall be

heard by the court at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under chapter 6 of this title and cases arising under the workmen's compensation law of this state.

52-0413. PRIORITY RIGHTS TO CONTRIBUTIONS UPON LEGAL DISSOLUTIONS OR DISTRIBUTIONS.] In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, assignment for the benefits of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than two hundred and fifty dollars to each claimant, earned within four months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in section 64a of that act, United States Code Title 11, section 104b, as amended.

52-0414. ADJUSTMENT AND REFUND OF CONTRIBUTIONS.] Not later than one year after the date on which any contributions or interest thereon became due, if an employer has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the bureau shall determine that such contributions or interest or any portion thereof was collected erroneously, the bureau shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the bureau shall refund said amount, without interest, from the fund. For like cause and within the same period, an adjustment or refund may be made on the bureau's own initiative.

52-0415. REFUND OF MONEYS NOT AUTHORIZED BY PROVISIONS OF TITLE.] Nothing in this title shall be construed to authorize any refund of moneys due and payable under the law and regulations in effect at the time such moneys were paid.

52-0416. PERIOD OF LIMITATIONS UPON ASSESSMENT OF CONTRIBUTIONS.] The amount of contributions imposed by this title shall be assessed within three years after the return was filed, and no proceedings in court for the collection of such contributions shall be begun after the expiration of such period; provided, however, that in the case of a false or fraudulent return, or the willful failure to file a return with intent to evade the payment of contributions,

the contributions may be assessed or a proceeding in court for the collection of such contributions shall be begun at any time.

52-0417. ADMINISTRATIVE DETERMINATIONS OF COVERAGE.] The division may, upon its own motion or upon application of an employing unit, and after notice and opportunity for hearing, make findings of fact and on the basis thereof, determinations with respect to whether an employing unit constitutes an employer and whether services performed for or in connection with the business of an employing unit constitute employment. Appeal from any such determination may be taken to the bureau within fifteen days after the mailing of notice of such findings and determination to the employing unit, or, in the absence of mailing, within fifteen days after the delivery of such notice. Proceedings in such appeals shall be had in the same manner as in appeals from a decision of an appeal tribunal. A determination of the division, in the absence of appeal therefrom, and a determination of the bureau upon an appeal, together with the record of the proceeding under this section shall be admissible in any subsequent proceeding under this title, and if supported by substantial evidence and in the absence of fraud shall be conclusive, except as to errors of law, upon any employing unit which was a party to the proceeding under this section.

§ 6. AMENDMENT.] That 52-0601 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0601. CONDITIONS REQUIRED TO BE ELIGIBLE TO BENEFITS.] An unemployed individual shall be eligible to receive benefits with respect to any week only if the bureau finds that:

1. He has made a claim for benefits with respect to such week in accordance with such regulations as the bureau may prescribe.
2. He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the bureau may prescribe, except that the bureau may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title; provided, that no such regulation shall conflict with section 52-0603 of this title.
3. He is able to work and is available for suitable work and actively seeking employment; provided,
   a. That subject to such limitations and conditions as the bureau may prescribe an unemployed individual shall not be ineligible by reason of unavailability for work during

a period of vocational training in a vocational training program maintained by a federal, state or other public agency when his unavailability is due solely to requirements with respect to attendance at and completion of such training.

b. That any claimant who, because of marital obligations or approaching marriage, has voluntarily left work for an indefinite period, to engage in the occupation of a homemaker, shall be considered unavailable for work until availability is shown by some evidence in addition to registration for work and statement of availability, such as (but not limited to) the fact that the conditions which led to leaving work have terminated; or arrangements have been made for the care of the household by others; or conditions require claimant's contribution to the economic support of the household; or the claimant has had some work or made efforts to secure work;

c. That a woman shall be considered unable to work for the period of twelve weeks before the anticipated date of childbirth and four weeks after childbirth unless it is shown by facts such as a licensed physician's certificate or by her work record during previous periods of pregnancy that she is able to work during such period.

4. He has been unemployed for a waiting period of one week. No week shall be counted as a week of unemployment for the purposes of this subsection:

a. Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided, that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment;

b. If benefits have been paid with respect thereto;

c. Unless the individual was eligible for benefits with respect thereto as provided in this section and section 52-0602 of this title.

5. He has during his base-period been paid wages for insured work equal to not less than twenty-eight times his weekly benefit amount.

§ 7. AMENDMENT.] That 52-0602 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0602. DISQUALIFICATION FOR BENEFITS.] An individual shall be disqualified for benefits:

1. For the week in which he has left his work voluntarily without good cause and for not more than seven consecutive weeks which immediately follow such week, as determined according to the circumstances in each case;

2. For the week in which he has been discharged for misconduct connected with his work and for not more than the ten consecutive weeks which immediately follow such week, as determined according to the circumstances in each case;
3. If he has failed, without good cause, either to apply for available, suitable work when so directed by the *unemployment* [employment] office or the bureau or to accept suitable work when offered him. Such disqualification shall continue for the week in which such failure occurred and for not more than the seven consecutive weeks which immediately follow such week as determined according to the circumstances in each case;
4. For any week with respect to which it is found that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed; provided that this subsection shall not apply if it is shown that:
   a. He is not participating in or directly interested in the labor dispute which caused the stoppage of work; and
   b. He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute; provided, that if in any case separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises; and provided further, that there shall not be deemed to be a stoppage of work in any factory, establishment, or other premises unless there shall be a substantial stoppage of work in each of said factory, establishment or other premises.
5. For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States, provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.
6. For any week of unemployment if such individual has left his most recent work for the purposes of attending an educational institution; or if the individual is a student registered for full attendance at and is regularly attending an established school, college or university, or is on vacation within the school term; provided, however, that this dis-

qualification shall not apply if such individual is unemployed through no fault of his own and is attending school only because of lack of work and is willing to quit school to accept full-time work.

7. For any week in which he is partially or totally unemployed by reason of a disciplinary suspension of not more than thirty days by his employer for misconduct connected with his employment, and the bureau so finds.
8. For one year from the date on which such individual has made a false statement for the purposes of obtaining benefits to which he was not lawfully entitled. Provided, however, that this disqualification shall not apply to cases in which it shall appear to the satisfaction of the bureau that the said false statement was made by reason of a mistake or misunderstanding of law or of facts without fraudulent intent.

The waiting period described in section 52-0602 [52-0601] of this title shall be required to be served after the expiration of the disqualification herein mentioned.

§ 8. AMENDMENT.] That 52-0604 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0604. AMOUNTS OF BENEFITS; TABLE.] An individual's weekly benefit amount shall be the amount appearing in Column B in the table in this section on the line on which, in Column A of such table, there appears the total wages paid to such individual for insured work in that quarter of his base period in which such total wages were highest.

Column A	Column B	Column C	Column D
Wages paid in highest quarter of base period	Weekly benefit amount	Qualifying wages in base period	Maximum total benefits in benefit year
$ 35.00 - 115.00	$ 5.00	$140.00	$100.00
115.01 - 138.00	6.00	168.00	120.00
138.01 - 161.00	7.00	196.00	140.00
161.01 - 184.00	8.00	224.00	160.00
184.01 - 207.00	9.00	252.00	180.00
207.01 - 230.00	10.00	280.00	200.00
230.01 - 253.00	11.00	308.00	220.00
253.01 - 276.00	12.00	336.00	240.00
276.01 - 299.00	13.00	364.00	260.00
299.01 - 322.00	14.00	392.00	280.00
322.01 - 345.00	15.00	420.00	300.00
345.01 - 368.00	16.00	448.00	320.00
368.01 - 391.00	17.00	476.00	340.00
391.01 - 414.00	18.00	504.00	360.00
414.01 - 437.00	19.00	532.00	380.00
437.01 and over	20.00	560.00	400.00

§ 9. AMENDMENT.] That 52-0605 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0605. DURATION OF BENEFITS.] Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to twenty times his weekly benefit amount.

§ 10. AMENDMENT.] That 52-0616 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0616. REDETERMINATIONS MADE BY DIVISION; WHEN; NOTICE.] The division may reconsider a determination of a claim whenever it finds:

1. That an error in computation or identity has occurred in connection therewith; or
2. That wages of the claimant pertinent to such determination but not considered in connection therewith have been newly discovered; or
3. That benefits have been allowed or denied or the amount of benefits fixed on the basis of a misrepresentation of facts.

No such redetermination shall be made after one year from the day of the original determination, except that a reconsidered determination involving a finding that benefits have been allowed or denied or the amount of benefits fixed on the basis of nondisclosure or misrepresentations of fact may be made within two years from the date of the determination. Notice of any such redetermination shall be given promptly to the parties entitled to the notice or original determination, and in the manner prescribed in section 52-0612.

§ 11. AMENDMENT.] That 52-0617 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0617. APPEAL FROM REDETERMINATION; REGULATIONS GOVERNING.] If the amount of benefits is increased upon such redetermination, an appeal from the redetermination, solely with respect to the matters involved in such increase, may be filed in the manner and subject to the limitations provided in this chapter. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal from any determination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the division may reconsider the determination in any case in which the final decision has been rendered by an appeal tribunal, the bureau, or a court, and may apply to that body or court which rendered such final decision to issue a revised decision.

§ 12. AMENDMENT.] That 52-0627 of the North Dakota Re-

vised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0627. JUDICIAL REVIEW OF DECISION; PETITION FOR; FILING PETITION.] Within the time specified in section 52-0619, the bureau, or any party to proceedings before the bureau, may obtain a judicial review thereof by filing in the district court of Burleigh County a petition for a review of such decision and in such proceeding any other party to the proceeding before the bureau shall be made a party respondent. The petition for review shall be verified and shall state the grounds upon which such review is sought. The bureau shall be deemed to be a party to any such proceeding. If the bureau is a party respondent the petition shall be served upon it by leaving with it or its chairman or any other representative as it may designate for that purpose, as many copies of the petition as there are respondents. With its answer or petition, the bureau shall certify and file with the court a verified copy of the record of the case, including all documents and papers and a transcript of all testimony taken in the matter, together with the bureau's findings, conclusions, and decision therein. Upon the filing of a petition for review by the bureau or upon the service of the petition upon it, the bureau forthwith shall send by registered mail to each other party to the proceeding a copy of such petition, and such mailing shall be deemed to be completed service upon all such parties. In any proceeding under this section the findings of the bureau as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law. Such proceedings shall be heard by the court and shall be given precedence over all other civil cases except cases arising under the workmen's compensation statute of this state. An appeal may be taken from the decision of the district court of Burleigh County to the supreme court of the State of North Dakota in the same manner as is provided in civil cases. Upon the final termination of such judicial proceeding, the bureau shall enter an order in accordance with the mandate of the court.

§ 13. AMENDMENT.] That 52-0702 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

52-0702. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "Military service" means active service in the United States army, navy, marine corps, or coast guard, or any organized branch thereof, or similar branches of the military or naval forces of the allies of the United States;
2. "War service claimant" means an individual who entered military service after October 1, 1940, and who continued in such service for not less than thirty consecutive days,

and whose military service was terminated before July 1, 1947, and who at some time within eighteen months after the last day of such active service has filed a claim for benefits under this chapter;

3. "Benefit year" means the one-year period beginning on the day on which a claimant files a claim for benefits under this chapter and is found to be eligible for payment of benefits. Any war service claimant who had a current benefit year at the time of his entry into military service may elect to continue such benefit year for the period beginning on the day on which he files a claim for benefits under this chapter, and continuing thereafter for as long a period as the benefit year current at the time of his entry into military service had to run;
4. "Base period" shall be the four completed calendar quarters prior to his entry into military service plus any uncompleted calendar quarter prior to such entry.

Approved March 10, 1945.

CHAPTER 285

S. B. No. 182
Introduced by Senators Day, Brunsdale and Page

UNEMPLOYMENT COMPENSATION LAW, AMENDMENT

An Act To amend and re-enact subsection 17 of Section 52-0101 of the North Dakota Revised Code of 1943 defining the term "agricultural labor" in the unemployment compensation law.

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

§ 1. AMENDMENT.] That subsection 17 of Section 52-0101 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

52-0101. Subsection 17: "Agricultural Labor" includes all service performed:

a. On a farm, in the employ of any person, in connection with cultivating the soil, or raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, and the raising of and caring for bees, poultry, and fur-bearing animals and wildlife;

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and

equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

c. In connection with the production or harvesting of maple sugar or maple syrup or any commodity defined as an agricultural commodity in section 15 (g) of the Federal Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, the hatching of poultry, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes; and

d. In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to preparations of such fruits and vegetables for market. Nor shall such service on fruits and vegetables be deemed other than "agricultural labor" by reason of the employer being partly or wholly a commercial handler of the commodity, or by reason of the "market" for which the same is being prepared is for seed or further processing, or because the operations are not incident to farming operations. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption. As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

Approved March 10, 1945.

SPORTS AND AMUSEMENTS

CHAPTER 286

S. B. No. 132
Introduced by Temperance Committee by Request

GAMES AND AMUSEMENTS, LAWS, PENALTY FOR VIOLATION

An Act To amend and re-enact Section 53-0611 of the Revised Code of 1943 relating to fines and penalties.

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

§ 1. AMENDMENT.] That Section 53-0611 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 53-0611. PENALTY.] Any person who shall violate this chapter, or any part thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

Approved March 13, 1945.

CHAPTER 287

S. B. No. 48
Introduced by Senators Streibel, Olson, Page, and O'Brien

MINORS NOT ALLOWED IN CERTAIN PLACES

An Act to amend and re-enact Section 53-0508 of the North Dakota Revised Code of 1943, pertaining to minors visiting certain public places, and prescribing penalties for violation thereof.

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

§ 1. AMENDMENT.] That Section 53-0508 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

53-0508. MINORS NOT ALLOWED IN CERTAIN PUBLIC PLACES. PENALTY.] It shall be unlawful for the owner of any pool or billiard hall or bowling alley or any place where public games of

pool, billiards, bowling or cards are played, to allow any person under the age of eighteen years or any person attending a local high school, to play any of the games mentioned or to be allowed to visit any of said places, unless accompanied by parent or guardian; provided, that where bowling is conducted in a place where no intoxicating liquors are sold or consumed, minors under the age of eighteen years and over the age of fourteen years may be allowed to bowl and to visit such bowling alley, upon presentation to the owner or manager of such bowling alley of a written authorization so to do, signed by the parent or guardian of such minor.

Any person found guilty of violating this section shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment.

Approved March 2, 1945.

STATE GOVERNMENT

CHAPTER 288

S. B. No. 208
Introduced by Delayed Bills Committee

EMPLOYEES, ATTORNEY GENERAL LICENSE DEPARTMENT

An Act Authorizing the attorney general to appoint inspector, investigators, clerks, and bookkeepers for the licensing department and fixing their salaries.

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

§ 1. The attorney general shall be authorized to appoint a state inspector, four deputy inspectors and investigators, and a chief clerk who shall be bookkeeper and stenographer, to aid in carrying out the purpose of this act, and such other clerks and deputies as may be necessary for the proper administration of the licensing department. All of whom shall hold office during the pleasure of the attorney general, and all of whom shall give bond to the State of North Dakota in the sum of five thousand dollars. Such bond to be issued in the State Bonding Fund, conditioned for the faithful performance of their duties and the accounting for the license fees collected by them. The attorney general shall fix their salaries, provided the salary of the state inspector shall not exceed twenty-six

hundred dollars a year, each deputy inspector and investigator not to exceed twenty-four hundred dollars, and the chief clerk not to exceed twenty-four hundred dollars a year. The chief clerk under the direction of the attorney general shall have charge of the office, including the receiving and disbursement of all money. The state inspector under the direction of the attorney general shall have charge of the inspections, investigations, and law enforcements and shall direct the work of the deputy inspectors and investigators, and each inspector and investigator shall possess all the powers of police officers anywhere in the state, shall have authority to visit and inspect any of the places herein mentioned, and as police officers to make arrests for violation of any laws of this state and shall be authorized to investigate and conduct investigations of any immoral or corrupt practices or violation of laws of this state and places being conducted contrary to law or constitution of this state.

Approved March 13, 1945.

CHAPTER 289

H. B. No. 83
Introduced by State Affairs Committee

LEGISLATIVE RESEARCH COMMITTEE

An Act Relating to the creation of a Legislative Research Committee, prescribing its powers and duties, and appropriating money therefor.

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

§ 1. There is hereby created a legislative committee, which is hereinafter referred to as the "Legislative Research Committee" or the "Committee." The legislative committee shall consist of 5 senators and 6 representatives to be chosen biennially before the close of each regular legislative session. In the House of Representatives such committee members shall be chosen in the same manner as the members of other committees from the list of 9 members recommended by each political faction and shall be divided equally between such factions. In the Senate such committee members shall be chosen by the Lt. Governor three (3) from the majority faction and two (2) from the minority faction, such committee members to be chosen from a list of seven (7) members recommended to him by each such faction. Any vacancy occurring when the legislature is not in session shall be filled by the selection of another member of the legislature, said selection to be made by the remaining Senate or House members of the committee, de-

pending upon which body has the vacancy. Each senator and each representative chosen to serve on the committee shall serve until the closing day of the term to which he or she was elected.

§ 2. In addition to the other applicable provisions of this act the committee shall have the power and right to study, consider, accumulate, compile and assemble information on any subject upon which the legislature may legislate, and upon such subjects as the legislature may by concurrent or joint resolution authorize or direct, or any subject requested by a member of the legislature; to collect information concerning the government and general welfare of the state and of its political subdivisions; to study and consider important issues of public policy and questions of general interest; to study and promote uniformity of legislation in the United States upon subjects upon which uniformity is desirable and to confer with the commissioners or similar groups appointed for the same purpose by any other state in drafting uniform laws to be submitted for the approval and adoption by the several states and through such member or members as the committee may appoint to meet annually with the conference of commissioners on uniform state laws for the promotion of uniformity of legislation in the United States and join with it in such measures as may be deemed most expedient to advance the objects of such conference. It shall take over and perform the powers and duties of the Post War Planning Board. It shall prepare proposed bills and resolutions for consideration of the succeeding legislature. The committee may as it deems advisable call to its assistance other members of the legislature and it may create committees consisting of its own members, or one or more of its own members and one or more other members of the legislature and delegate by written resolution to such committees such of its powers and rights as it may deem advisable. Any member of the legislature shall have the right to attend any meeting of the committee, and may present his views on any subject which the committee may at any particular time be considering.

§ 3. Each department, board, commission, agency, officer or employee in the state government shall furnish such information and render such assistance to the committee as the committee may from time to time request.

§ 4. The committee, or any sub-committee appointed by it, may sit at such time and place as it may deem advisable, but the committee shall meet at least once in each quarter year and shall meet at any time upon the call of the chairman or a call signed by 7 members of the committee. At any meeting of the committee 5 members shall constitute a quorum and a majority of such quorum shall have authority to act in any matter falling within the jurisdiction of the committee.

§ 5. The governor may send messages to such meetings of the committee as he may deem advisable.

§ 6. The committee shall select a chairman and a vice chairman from its own members and may prescribe its own rules of procedure. It may appoint a secretary who need not be a member, and shall appoint a research director who shall be paid such salary as the committee may determine. The committee may employ such other persons and obtain the assistance of such research agencies as it may deem necessary. The committee is authorized to accept and use any funds made available to it through the terms of any agreement that it may make with any agency whatsoever for the accomplishment of the purpose of this act. Expenditures of funds made available to the committee by legislative appropriation shall be made only upon the authority of resolutions duly passed by the committee.

§ 7. The committee shall keep minutes of its meetings and a record of all its transactions and shall at the beginning of each biennial legislative session, and may at any other time, make a report of its activities and recommendations to the members of the legislature and to the governor.

§ 8. The committee may require that any recommendation for legislation that is to be presented by any department, board, commission, agency, officer, official or employee of the state desiring the consideration of the committee, be presented to it at least 60 days in advance of any regular session.

§ 9. The recommendations of the committee shall be completed and made public, at least 15 days, prior to any session of the legislature at which such recommendations are to be submitted; and a copy of said recommendations shall be mailed to each member elect of the legislature, to each elective state officer, and to the state law library.

§ 10. The members of the committee and the members of any sub-committee of the committee, shall be compensated for the time spent in attendance at sessions of the committee and of its sub-committees at the rate of $5 per day and shall also be paid their actual expenses incurred in attending said meetings and in the performance of their official duties.

§ 11. If any provision of this act shall be held invalid, the remainder of this act shall not be affected thereby.

§ 12. There is hereby appropriated from the general fund to the Legislative Research Committee the sum of $25,000.00 for the biennium ending June 30, 1947, for the purpose of carrying out the provisions of this act.

Approved March 9, 1945.

CHAPTER 290

S. B. No. 59
Introduced by Senator Page

SPECIAL ASSISTANT ATTORNEY GENERALS, APPOINTMENT

An Act Amending and re-enacting Section 54-1208 of the North Dakota Revised Code of 1943 relating to the appointment, by the attorney general, of special assistant attorneys general.

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

§ 1. AMENDMENT.] That Section 54-1208 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

54-1208. SPECIAL ASSISTANT ATTORNEYS GENERAL; APPOINTMENT; REVOCATION; COMPENSATION.] The attorney general also, when he deems it necessary, may after consultation with the head of the State Department of institution affected appoint special assistant attorneys general, and no state officer, head of any state department, whether elected or appointed, or state department shall employ legal counsel, and no person shall act as legal counsel, in any matter, action or proceeding in which the state or any state department is interested or is a party, except upon appointment by the attorney general. The appointment shall be in writing. The powers conferred upon such special assistant attorneys general shall be the same as are exercised by the regular assistant attorneys general, when such powers are not limited specifically by the terms of such appointment. Any such appointment shall be revocable at the pleasure of the attorney general. It may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, it shall be paid out of the funds appropriated therefor.

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

Approved March 12, 1945.

CHAPTER 291

S. B. No. 51
Introduced by Senator Shure

STATE CENSUS

An Act Amending and re-enacting Section 54-2601 of the North Dakota Revised Code of 1943, relating to taking of census in this State, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 54-2601 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

54-2601. WHEN ENUMERATION OF INHABITANTS TO BE TAKEN.] An enumeration of the inhabitants of this state, and of each county, city, village, and township thereof shall be taken in the year nineteen hundred fifty-five, and during every tenth year thereafter, under the direction of the secretary of state.

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

Approved March 12, 1945.

CHAPTER 292

H. B. No. 205
Introduced by Representatives Stormon and Sharpe

STATE TREASURERS CHECKS, CANCELLATION

An Act Providing for the cancellation of State Treasurer's checks more than six years old and deposit to general fund and subsequent payment.

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

§ 1. STATE TREASURER'S CHECKS: CANCELLATION: DEPOSIT TO GENERAL FUND.] The State Treasurer, at the beginning of each fiscal year, shall prepare a list of the checks drawn on various depositaries which are more than six years old which remain outstanding and unpaid and shall show the number, date, payee (with address of payee if available), amount, bank on which drawn and fund against which said check was drawn. A copy of such list shall

then be used as an authority for writing a receipt of the total of such check or checks and shall credit such amount to the General Fund. One copy of such receipt with list of checks affected shall be provided to the State Auditor.

§ 2. SUBSEQUENT PAYMENT.] In the event any such check or checks is at any subsequent time presented for payment, the holder thereof shall execute a voucher for the amount, to which shall be attached the original check or other satisfactory evidence of ownership of such check. The voucher when approved by the State Auditor and State Auditing Board shall be paid by a State Auditor's warrant drawn on the General Fund.

Approved March 10, 1945.

TAXATION

CHAPTER 293

S. B. No. 134
Introduced by Judiciary Committee

APPEALS FROM DETERMINATION OF TAX COMMISSIONER

An Act Repealing Section 57-3841 of the North Dakota Revised Code of 1943 relating to appeals from the determination of the tax commissioner to any court.

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

§ 1. REPEAL.] Section 57-3841 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 12, 1945.

CHAPTER 294

S. B. No. 177
Introduced by Senators Foss, Blank, Raschko, and Braun

AUTHORIZATION TAX FOR ADVERTISING BY CERTAIN COUNTIES

An Act Authorizing counties in which are located cities having a population in excess of 3000 and cities having a population in excess of 3000 to levy a tax for the purpose of advertising the resources and processing opportunities in North Dakota and promoting the industrial development thereof, and repealing all acts or parts of acts in conflict herewith:

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

§ 1. The Board of County Commissioners of any county in which there is located a city having a population in excess of 3000, according to latest Federal census and the governing body of any city having a population in excess of 3000 according to latest Federal census, may annually levy a tax for the purpose of advertising the resources and processing opportunities in North Dakota and promoting the industrial development thereof. Such tax shall not exceed the amount produced by the levy of half (½) mill on a dollar of the net taxable valuation of the county or city as the case may be.

When any county or city makes the levy provided for by this act, the expenditure of the fund shall be under the direction of the governing boards of such county or city. The levy of such half (½) mill tax authorized by this act shall not be subject to other mill limitations prescribed by law.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

Approved February 28, 1945.

CHAPTER 295

S. B. No. 154
Introduced by Senators Feton and Kehoe

COLLECTION OF TAX AND REFUNDS IN PROBATE CASES

An Act Amending and re-enacting Section 57-3724 of the North Dakota Revised Code of 1943, relating to Collections of tax, and Refunds therefrom.

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

§ 1. AMENDMENT.] That Section 57-3724 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

57-3724. COLLECTIONS OF TAX; REFUNDS.] The county treasurer in the county where the probate is had shall collect the tax levied under this chapter, and shall certify the same to the county auditor at the end of each calendar month. He shall pay over to the state treasurer thirty-five percent of such tax, and shall retain sixty-five percent thereof, which he shall deposit to the credit of the general fund of the county. In all cases wherein no county court has jurisdiction, the amount of the tax shall be determined by the tax commissioner, and the state treasurer shall collect the same, deposit thirty-five percent of the amount received to the credit of the general fund of the state and apportion the remaining sixty-five percent thereof to the respective county treasurers of the counties in which is located the property base of such tax, each of whom shall deposit the sum so received by him to the general fund of his county. No executor, administrator, or trustee shall be entitled to a final discharge in an estate in settlement of which taxes are due, unless he shall produce a receipt showing the payment of such tax. In case an overpayment of such tax has been made, such overpayment shall be repaid out of any estate tax funds in the hands of the county treasurer, upon an order of the county court approved by the tax commissioner. A certified copy of such an order shall be filed with the state treasurer and he shall credit the account with the amount of the state's proportionate liability on such refund. In any case where the state treasurer has collected the entire estate tax, refunds may be made upon approval of the tax commissioner in the same manner as other claims against the state are paid.

Approved March 2, 1945.

CHAPTER 296

S. B. No. 46
Introduced by Senator Dahlen

COUNTY LANDS, TERM OF LEASE

An Act To Amend and Re-enact Section 57-2824 of North Dakota Revised Code of 1943 to Permit Longer Leases to Cooperative Grazing Associations, Soil Conservation Districts, Mutual Aid Corporations and Individuals, and to Declare an Emergency.

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

§ 1. AMENDMNET.] That Section 57-2824 of North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted to read as follows:

57-2824. All leases of such lands shall be made subject to sale and shall be limited in duration to a term not to exceed five years; provided, however, that in the discretion and sound judgment of said county commissioners, any grazing land may be leased for grazing purposes without being subject to sale and for a term of not to exceed ten years, to any duly incorporated cooperative grazing association, any duly incorporated soil conservation district, any duly incorporated mutual aid corporation, or to any individual, within this State. Farm lands sold after January first of any year shall be sold subject to the existing lease for that year.

§ 2. An emergency is hereby declared to exist, and this Act is declared to be in full force and effect from and after its passage and approval.

Approved March 12, 1945.

CHAPTER 297

H. B. No. 71
Introduced by Representative Maher

COUNTY TAX LEVY, INCREASE ALLOWED IN CERTAIN CASES

An Act Authorizing the Bank of North Dakota to loan money to counties unable to raise sufficient funds by general taxation to carry on their primary Governmental functions or to pay their mandatory obligations; providing for the levy of an additional general tax to provide funds for the repayment of such loans with interest; creating a special fund; prohibiting a diversion thereof; and declaring an emergency.

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

§ 1. The Bank of North Dakota is hereby authorized to make loans to counties for the purposes specified by this act upon such terms, conditions and under such rules and regulations as the Industrial Commission may prescribe or approve, provided, however, that upon the completion of such loan the county making application therefor shall levy a general tax upon all of the taxable property of the county for the repayment thereof, with interest, when said debt shall mature.

§ 2. Whenever in the discretion of the Board of County Commissioners of any county in this State all taxes authorized to be levied in any one year for general or special county purposes, are insufficient to carry on the primary governmental functions, or to pay the mandatory obligations imposed by law upon counties, then such counties are hereby authorized to borrow money from the Bank of North Dakota in such an amount or amounts as the board of county commissioners shall determine to be necessary or sufficient to meet the deficiencies existing in its general or special funds, or to carry on its primary governmental functions, and to pay its mandatory obligations.

§ 3. Whenever the board of county commissioners desire to make a loan from the Bank of North Dakota for any of the purposes authorized herein, it shall make an application which shall set forth the assessed valuation of the county, the amount of taxes levied for the current year or years involved, the status of its general and special funds, and the amount required to carry on its primary governmental functions and to pay its mandatory obligations, and such other data as the Industrial Commission may require; said application shall be verified by the certificate of the county auditor as to the accuracy thereof.

§ 4. Upon the approval of an application for a loan by the

Industrial Commission, the board of county commissioners applying for such loan shall be required to levy a general tax from year to year upon all of the general taxable property of the county, not to exceed three mills for any one year, for the purpose of providing funds sufficient to repay the amount of said loan, with interest, at the time of maturity such loans to be evidenced by the issuance of Certificates of Indebtedness in the same manner and form as now prescribed by law. The levy of said tax shall not be subject to any existing mill levy limitations for general or special county purposes, but shall be in addition thereto. Said tax shall be levied and collected at the same time and in the same manner as other general or special taxes for county purposes are levied and collected.

§ 5. The board of county commissioners authorizing the levying of such tax shall establish a special fund in the county treasury designated as the "County Loan Fund" and all moneys collected from the general tax levied for the purpose of repaying any loans, with interest, shall be deposited to the credit of said special fund and shall be used only for the purpose of repaying the principle, with accrued interest, due upon loans made by the county as the same shall mature, provided however, that the balance, if any, remaining in said special fund, after the amount of the loan, with accrued interest, shall have been paid in full, may be transferred by the county commissioners to the General Fund of the county.

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

Approved March 16, 1945.

CHAPTER 298

H. B. No. 65
Introduced by Representatives Hogoboom and Still,
Fitch, Crockett, and Bymers

COUNTY VETERANS SERVICE OFFICER, TAX LEVY

An Act Authorizing counties to levy a tax of not to exceed one half mill on the dollar of the net assessed taxable valuation of the county to provide a fund for payment of the salary and traveling expenses of the County Veterans' Service Officer to be appointed under the provisions of Chapter 30 of the Authenticated Edition of the Special Session Laws of 1944; Such levy not to be limited by Section 57-1506 of the North Dakota Revised Code of 1943.

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

§ 1. LEVY AUTHORIZED FOR COUNTY VETERANS' SERVICE

OFFICER'S SALARY AND TRAVEL EXPENSES.] The county commissioners of each county are hereby authorized to levy annually a tax of not to exceed one-half mill on the dollar of the net assessed taxable valuation of the county, to provide a fund, not to exceed the sum of Five-Thousand Dollars ($5,000.00), for the payment of the salary and traveling expenses of the county veterans' service officer authorized to be appointed by Chapter 30 of the Authenticated Edition of the Special Session Laws of 1944.

§ 2. LEVY NOT LIMITED BY SECTION 57-1506 OF THE NORTH DAKOTA REVISED CODE OF 1943.] Such levy shall in no manner be limited by the provisions of Section 57-1506 of the North Dakota Revised Code of 1943.

Approved February 28, 1945.

CHAPTER 299

S. B. No. 78
Introduced by Judiciary Committee

INCOME TAX DEDUCTIONS

An Act To amend and re-enact Section 57-3824 of North Dakota Revised Code of 1943 pertaining to net losses and exceptions in income tax rates, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 57-3824 of North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 57-3824. NET LOSSES; MEANING; EXCEPTIONS.] As used in this chapter, the term "net loss" means the excess of the deductions allowed by this chapter over the gross income, with the following exceptions and limitations:

1. Deductions otherwise allowed by law not attributable to the operation of a trade or business regularly carried on by the taxpayer shall be allowed only to the extent of the amount of the gross income not derived from such trade or business;
2. There shall be included in computing gross income, the amount of interest received free from tax under this chapter, decreased by the amount of interest paid or accrued which is not allowed as a deduction under this chapter.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure due to the fact that the two sentences eliminated from

the above section is in conflict with the other provisions of the income tax law, and shall be in force and effect from and after its passage and approval.

Approved February 24, 1945.

CHAPTER 300

S. B. No. 79
Introduced by Committee on Judiciary

INCOME TAX NET LOSS DEDUCTION REPEALED

An Act To repeal Section 57-3825 of North Dakota Revised Code of 1943 providing for a net loss as a deduction in income tax, and declaring an emergency.

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

§ 1. REPEAL.] That section 57-3825 of North Dakota Revised Code of 1943 providing for a net loss as a deduction, be and the same is hereby repealed.

§ 2. EMERGENCY.] This Act is hereby declared to be an emergency measure due to the fact that this section is in conflict with other provisions of the income tax laws of the State of North Dakota, and shall be in full force and effect from and after its passage and approval.

Approved February 24, 1945.

CHAPTER 301

H. B. No. 37
Introduced by Representatives Hovey, Saumur and Brady

LEVY FOR PARK DISTRICT PURPOSES

An Act To amend and re-enact Subdivisions one (1) and three (3) of Section 57-1512 of the North Dakota Revised Code of 1943, and declaring an emergency.

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

§ 1. Subdivision one (1) of Section 57-1512 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

1. The aggregate amount levied for park district purposes, exclusive of levies to pay interest on bonded debt and levies to pay and discharge the principal thereof, shall not exceed such amount as will be produced by a levy of three mills on the dollar of the net taxable assessed valuation of the district for the current year.

§ 2. Subdivision three (3) of Section 57-1512 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

3. Whenever the board of Park Commissioners deem it advisable to raise monies by taxes in excess of the levy herein provided, for any purposes for which the park district is authorized to expend monies raised by taxes, such board of Park Commissioners may increase the levy as herein provided in any amount not to exceed ten (10) mills on the dollar of the net taxable assessed valuation of the district when authorized by a majority of the qualified electors of the park district voting at any regular election in which the question has been submitted.

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

Approved March 2, 1945.

CHAPTER 302

H. B. No. 281
Introduced by Delayed Bills Committee

LICENSE FEES, MOTOR FUEL DEALERS

An Act Amending and Re-enacting Section 57-4123 of the North Dakota Revised Code of 1943, Relating to License Fees for Motor Fuel Dealers.

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

§ 1. AMENDMENT.] That Section 57-4123 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

§ 57-4123. LICENSE FEE; ISSUANCE OF LICENSE.] Upon the payment of a fee of two dollars by the applicant, the state auditor, if satisfied that the applicant for a licenses to sell tax exempt motor fuel is a resident of this state, or if such applicant holds a motor vehicle fuel dealer's license issued by the state auditor to do business in the State of North Dakota and the location to be licensed outside the borders of North Dakota is contiguous to a trade territory in

North Dakota, may issue to such applicant a license to sell such motor fuel from a station designated in the license. A separate license shall be secured for each station at which tax exempt motor fuel is sold.

Approved February 28, 1945.

CHAPTER 303

S. B. No. 128
Introduced by Committee on Tax and Tax Laws

PROCEEDS FROM LIFE INSURANCE, TAX EXEMPTION

An Act To amend and re-enact Section 57-3710 of the North Dakota Revised Code of 1943 pertaining to proceeds from life insurance policies of a decedent.

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

§ 1. AMENDMENT.] That Section 57-3710 of North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 57-3710. PROCEEDS FROM LIFE INSURANCE POLICIES.] All proceeds from life insurance policies of a decedent not in excess of $25,000 shall be exempt from taxation under the provisions of this Chapter, but all proceeds from life insurance policies of a decedent in excess of $30,000 shall be included in the gross estate of the decedent and be subject to the estate tax.

Approved March 10, 1945.

CHAPTER 304

H. B. No. 87
Introduced by Representatives Moe, Lillehaugen and Haugen

ROAD AND BRIDGE LEVY UNORGANIZED TOWNSHIPS

An Act To amend and re-enact Section 57-1522 of the North Dakota Revised Code of 1943 relating to levy for road and bridge purposes in unorganized townships.

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

§ 1. AMENDMENT.] That Section 57-1522 of the North Da-

kota Revised Code of 1943 be amended and re-enacted to read as follows:

57-1522. TAX LEVY LIMITATIONS IN UNORGANIZED TOWNSHIPS.] Tax levies in unorganized townships shall be limited as follows:

1. The total tax for road and bridge purposes levied by the board of county commissioners in any unorganized township shall not exceed four mills on the dollar of the net taxable assessed valuation of the township, but this shall not prohibit the levy of general county road and bridge taxes in such unorganized township.

Approved March 10, 1945.

CHAPTER 305

H. B. No. 55
Introduced by Representative Brady

SALE OF COUNTY TAX DEED PROPERTY

An Act To amend and re-enact Section 57-2819 of the North Dakota Revised Code of 1943 relating to the sale of real estate obtained by the County on Tax deed.

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

§ 1. AMENDMENT.] Section 57-2819 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

§ 57-2819. RIGHTS OF FORMER OWNER TO REPURCHASE.] The former owner, his executor or administrator, or any member of his immediate family, shall have the right to repurchase all real estate forfeited to the county under tax deed proceedings, so long as the tax title thereto remains in the county; provided, however, that in the event any city, town or village has theretofore made a special assessment for public improvements against any such tract, piece or parcel of land, which special assessment has become delinquent and remains unpaid, such city, town or village shall have a right to purchase for cash, at the appraised value, prior to that of the former owner. The County auditor of any county, immediately upon appraisal of such property, shall give notice thereof to the auditor of any such city, town or village and such city, town or village shall have thirty (30) days within which to purchase said property. The purchase by a former owner may be for cash or upon contract for deed made by and between the board of county commissioners and the former owner, his executor or administrator, or any member of

his immediate family. The consideration of such contract shall include:

1. The total amount required to be paid in the notice to affect a redemption;
2. The total amount of all subsequent taxes with interest, penalties, and costs.

If the fair market value of such property at the time of the repurchase thereof is less than the amount to be paid to effect a redemption, together with all subsequent taxes, interest, penalties, and costs, the board shall fix a fair and just sale price for such property, and shall require the former owner, his executor or administrator, or any member of his immediate family, to pay at least twenty-five percent of the total contract price in cash and the remainder shall be payable in not to exceed ten annual equal installments as the board of county commissioners may determine. Such installments shall bear interest at four percent per annum until paid in full. Such contract shall further provide that if the vendee or his successor in interests fails to pay one or more of the installments when due, with interest, the board of county commissioners may cancel such contract and thereupon all payments and improvements made by the vendee or his successor in interest shall be forfeited to the county as liquidated damages for breach of contract unless otherwise expressly provided. Upon the full performance of such contract, the county shall execute and deliver a deed to the purchaser which shall be executed in the manner in which tax deeds are executed and shall have the legal effect prescribed by the terms of this chapter. In case of repurchase or contract for repurchase of such tax deed land before the first of April, such land shall be assessed and taxed for the current year, and the repurchaser shall be entitled to the rental and landlord's share of crops on such land for such year. In case of the repurchase or contract for repurchase of such tax deed land after March thirty-first, the land shall not be assessed and taxed for the current year, and the county shall retain the rental and landlord's share of the crops thereon for that year. In all cases wherein the repurchase or contract for repurchase of tax deed land is made after the first of January, such repurchase or contract for repurchase, will be subject to an existing farm lease of the lands so repurchased or contracted to be repurchased, for the year in which such repurchase or contract for repurchase is made.

Approved March 14, 1945.

CHAPTER 306

S. B. No. 194
Introduced by Senators Raschko, Blank, Page and Brunsdale

STATE INCOME TAX DEDUCTIONS

An Act To amend and re-enact subsection b. of paragraph 4 of Section 57-3822 of the North Dakota Revised Code of 1943 relating to deductions allowed in computing net income; to amend and re-enact Section 57-3826 of the North Dakota Revised Code of 1943 relating to exemptions for individuals; providing for the recognition of fifty percent of capital gains and losses in computing income for income tax purposes.

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

§ 1. AMENDMENT.] That subsection b. of paragraph 4 of Section 57-3822 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

b. If for any taxable year beginning after December 31, 1941, a taxpayer has a net operating loss from trade or business, such net operating loss may be carried forward by the taxpayer as a credit against the net income, both taxable and non-taxable, received in any of the four succeeding years, subject to the following limitations:

1. No carry-over loss shall accrue to any taxpayer, except to the extent that the loss of such year shall exceed any income not taxable under this chapter received in the same year;

2. The carry-over loss from any prior year or years may be deducted from the taxable income of any tax year only to the extent that such carry-over loss shall exceed any non-taxable income received in such tax year; and

3. The carry-over in the second and succeeding taxable year shall be the excess, if any, of the amount of such net operating over the net income, both taxable and non-taxable, for the intervening taxable years;

§ 2. AMENDMENT.] That Section 57-3826 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

57-3826. EXEMPTION FOR INDIVIDUALS.] For the purpose of the tax on individuals, there shall be deducted from the net income, the following exemptions:

1. In the case of a single individual, an exemption of Five Hundred ($500.00) Dollars;

2. In case of a head of a family or married individual living with husband or wife, a personal exemption of Fifteen Hundred ($1500.00) Dollars. A husband and wife living together shall re-

ceive but one personal exemption of fifteen hundred dollars against their aggregate net income, and in case they make separate returns, the personal exemption of fifteen hundred dollars ($1500.00) may be taken by either or divided between them;

3. Five hundred dollars for each individual, other than husband or wife, dependent upon and receiving chief support from the taxpayer, if such dependent individual is under eighteen years of age or is incapable of self-support because mentally or physically defective or incapacitated, but an exemption may be claimed for a child over the age of eighteen years and under the age of twenty-one (21) years if dependent upon the taxpayer for support and attending an educational institution.

HEAD OF HOUSEHOLD: If the taxpayer would not occupy the status of head of family except by reason of there being one or more dependents for whom he could be entitled to credit; the credit shall be disallowed with respect to one of such dependents.

§ 3. CAPITAL GAINS AND LOSSES.] In the case of a taxpayer, either individual or corporation, only fifty percent of the gain or loss recognized upon the sale or exchange of a capital asset shall be taken into account in computing net capital gain, net capital loss, and net income.

§ 4. DEFINITIONS.]

1. Capital Assets. The term "capital assets" means property held by the taxpayer (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in their inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or property used in the trade or business, of a character which is subject to the allowance for depreciation.

2. Capital Gains. The term "capital gains" means gain from the sale or exchange of a capital asset held for more than six months.

3. Capital Loss. The term "capital loss" means loss from the sale or exchange of a capital asset held for more than six months.

Approved March 12, 1945.

CHAPTER 307

S. B. No. 130
Introduced by Senators Bridston, Lynch and Brant

STATE INCOME TAX RETURNS, AUDIT

An Act To amend and re-enact Section 57-3838 of the North Dakota Revised Code of 1943, pertaining to audit of returns and assessment of additional tax; repealing all Acts or parts of Acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 57-3838 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 57-3838. TAX COMMISSIONER TO AUDIT RETURNS AND ASSESS TAX.] The Tax Commissioner shall proceed to audit the returns of taxpayers and, not later than three years after the due date of the return, assess the tax and, if any additional tax is found due, shall notify the taxpayer in detail as to the reason for the increase, provided, however, that this time limitation shall not apply in case of any false or fraudulent information given in the return.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 2, 1945.

CHAPTER 308

S. B. No. 87
Introduced by Senators Morgan, Schrock, O'Brien, Kehoe, Blank, Bridston, Raschko, Feton and Murry

SALES TAX

An Act To Equalize Taxation and Replace in Part the Tax on Property; to provide the Public Revenue to be Used for Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith.

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

§ 1. DEFINITIONS.] The following words, terms and phrases, when used in this Act, have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning:

(a) "Person" includes any individual, firm, copartnership. joint adventure, association, corporation, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number.

(b) "Sale" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration.

(c) "Retail Sale" or "Sale at Retail" means the sale to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property and the sale of steam, gas, electricity, water, and communication service to retail consumers or users, and shall include the ordering, selecting or aiding a customer to select any goods, wares, or merchandise from any price list, or catalogue, which such customer might order, or be ordered for such customer to be shipped directly to such customer. By the term "processing" as used in this Act is meant tangible personal property that is used in manufacturing, producing or processing and which becomes an ingredient or competent part of other tangible personal property and which latter tangible personal property becomes subject to the retail sales tax. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to other real or personal property otherwise exempt from the sales tax shall for the purposes of this Act be considered as a sale of tangible personal property for a purpose other than for processing.

(d) "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit, or advantage, either direct or indirect.

(e) "Retailer" includes every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, electricity, water and communication services, and tickets or admissions to places of amusement and athletic events as provided in this Act, and shall include any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided, and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the State in the manner provided in this Act.

(f) "Gross receipts" means the total amount of the sales of retailers, valued in money, whether received in money or otherwise, provided, however, that discounts for any purposes allowed and taken on sales shall not be included, nor shall the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. Provided, further, that on all sales of retailers, valued in money, when such sales are made under conditional sales contract, or under other forms of sale wherein the payment of the principal sum thereunder be extended over a period longer than sixty (60) days from the date of sale thereof that only such portion of the sale amount thereof shall be accounted, for the purpose of imposition of tax imposed by this bill, as has actually been received in cash by the retailer during each quarterly period as defined herein.

(g) "Relief agency" means the State, any County, City and County, City or District thereof, or any agency engaged in actual relief work.

(h) "Commissioner" means the Tax Commissioner of the State of North Dakota.

(i) "Local Governmental Unit" means Incorporated Cities, Towns and Villages, Counties, School Districts and Townships.

§ 2. TAX IMPOSED.] There is hereby imposed, beginning the first day of July, 1945, and ending June 30, 1947, a tax of two per cent (2%) upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this act, sold at retail in the State of North Dakota to consumers or users; a like rate of tax upon the gross receipts from the sales, furnishing or service of steam, gas, electricity, water and communication service, including the gross receipts from such

sales by any municipal corporation furnishing steam, gas, electricity, water and communication service to the public in its proprietary capacity, except as otherwise provided in this Act, when sold at retail in the State of North Dakota to consumers or users; and a like rate of tax upon the gross receipts from all sales of tickets or admissions to places of amusement and athletic events and the playing of a record on a vending machine, in response to a coin placed in a slot, except as otherwise provided in this Act.

The Tax herein levied shall be computed and collected as hereinafter provided.

§ 3. EXEMPTIONS.] There are hereby specifically exempted from the provisions of this Act and from computation of the amount of tax imposed by it, the following:

(a) The gross receipts from sales of tangible personal property which this State is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this State.

(b) The gross receipts from the sales, furnishing or service of transportation service.

(c) The gross receipts from sales of tangible personal property processed from agricultural products, when such property is sold in exchange for like agricultural products produced by the purchaser and is for the use of the purchaser and his family.

(d) The gross receipts from sales of tickets or admissions to State, County, District and Local Fairs, and the gross receipts from educational, religious, or charitable activities, where the entire amount of such receipts is expended for educational, religious or charitable purposes.

(e) The gross receipts from the sale by any school board of this State of books and school supplies to regularly enrolled students at costs.

(f) Gross receipts from sales of tangible personal property or from furnishing or service of steam, gas, electricity, water, and communication service to the United States, State of North Dakota or any of its subdivisions, departments or institutions, any County, City, Village, Township, School District, Park District, or Municipal Corporations.

§ 4. Taxes paid on gross receipts represented by accounts found to be worthless and actually charged off, for income tax purposes may be credited upon subsequent payment of the tax herein provided; provided, that if such accounts are hereafter collected by the retailer, a tax shall be paid upon the amount so collected. The provisions of this Act shall not apply to sales of gasoline, cigarettes, snuff, insurance premiums, or any other product or article upon which the State of North Dakota may now or hereafter impose a special tax.

§ 5. CREDIT TO RELIEF AGENCY AND LOCAL GOVERNMENTAL UNITS.]

(1) A relief agency may apply to the Commissioner for refund of the amount of tax imposed hereunder and paid upon sales to it of any goods, wares, or merchandise used for free distribution to the poor and needy;

(2) Such refunds may be obtained only in the following amount and in the manner and only under the following conditions:

(a) On forms furnished by the Commissioner, and during the time herein provided for the filing of quarterly tax returns by retailers, the relief agency shall report to the Commissioner the total amount or amounts, valued in money, expended directly or indirectly for goods, wares, or merchandise used for free distribution to the poor and needy.

(b) On these forms the relief agency shall separately list the persons making the sales to it or to its order, together with the dates of the sales, and the total amount so expended by the relief agency.

(c) The relief agency must prove to the satisfaction of the Commissioner that the person making the sales has included the amount thereof in the computation of the gross receipts of such person and that such person has paid the tax levied by this division, based upon such computation of gross receipts.

(3) If the Commissioner is satisfied that the fore-going conditions and requirements have been complied with, he shall refund the amount claimed by the relief agency.

§ 6. Retailers shall add the tax imposed under this Act, or the average equivalent thereof, to the sales price or charge and when added such taxes shall constitute a part of such price or charge, shall be a debt from consumer or user to retailer until paid, and shall be recoverable at law in the same manner as other debts.

Agreements between competing retailers, or the adoption of appropriate rules and regulations by organizations or associations of retailers to provide uniform methods for adding such tax or the average equivalent thereof, and which do not involve price fixing agreements otherwise unlawful, and which shall first have the approval of the Commissioner, are expressly authorized and shall be held not to be in violation of any anti-trust laws of this State.

§ 7. UNLAWFUL ACTS.] It shall be unlawful for any retailer to advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this Act shall be assumed or absorbed by the retailer or that it will not be considered as an element in the price to the consumer, or if added, that it or any part thereof will be refunded.

§ 8. RECORDS REQUIRED.] It shall be the duty of every re-

tailer required to make a report and pay any tax under this provision, to preserve such records of the gross proceeds of sales as the Commissioner may require and it shall be the duty of every retailer to preserve for a period of two years all invoices and other records of goods, wares, or merchandise purchased for resale; and all such books, invoices and other records shall be open to examination at any time by the Commissioner or any one of his duly authorized agents.

§ 9. RETURN OF GROSS RECEIPTS.]

(1) The retailer shall, on or before the 20th day of the month following the close of the first quarterly period as defined in the following section, and on or before the 20th day of the month following each subsequent quarterly period of three months, make out a return for the preceding quarterly period in such form and manner as may be prescribed by the Commissioner, showing the gross receipts of the retailer, the amount of the tax for the period covered by such return, and such further information as the "Commissioner may require to enable him correctly to compute and collect the tax herein levied; provided, however, that the Commissioner may, upon request by any retailer and a proper showing of the necessity therefor, grant unto such retailer an extension of time not to exceed thirty (30) days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in Section Ten (10) of this Act shall be extended for the same period.

(2) The Commissioner, if he deems it necessary or advisable in order to insure the payment of the tax imposed by this Act, may require returns and payment of the tax to be made for other than quarterly periods, the provisions of Section Ten (10) or elsewhere to the contrary notwithstanding.

(3) Returns shall be signed by the retailer or his duly authorized agent.

§ 10. PAYMENT OF TAX, BOND, CREATION OF LIEN:]

(1) The tax levied hereunder shall be due and payable in quarterly installments on or before the 20th day of the month next succeeding each quarterly period, the first of such period being the period commencing with July 1, 1945, and ending on the 30th day of September, 1945.

(2) Every retailer, at the time of making the return required hereunder, shall compute and pay to the Commissioner the tax due for the preceding period.

(3) The Commissioner may, when in his judgment it is necessary and advisable to do so in order to secure the collection of the tax levied under this Act, require any person subject to such tax to file with him a bond, issued by a surety company authorized to

transact business in this state and approved by the Insurance Commissioner as to solvency and responsibility, in such amount as the Commissioner may fix, to secure the payment of any tax and/or penalties due or which may become due from such person. In lieu of such bond, securities approved by the Commissioner in such amount as he may prescribe, may be deposited with him, which securities shall be kept in the custody of the Commissioner an may be sold by him at public or private sale, without notice to the depositor thereof, if it becomes necessary so to do in order to recover any tax and/or penalities due. Upon any such sale, the surplus, if any, above the amounts due under this provision shall be returned to the person who deposited the securities.

Sub-§ 4. LIEN OF TAX. COLLECTION. ACTION AUTHORIZED.] Whenever any taxpayer liable to pay a tax and/or penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue in addition thereto, shall be a lien in favor of the State of North Dakota upon all property and rights to property, whether real or personal, belonging to said taxpayer.

The lien aforesaid shall attach at the time the tax becomes due and payable and shall continue until the liability for such amount is satisfied.

In order to preserve the aforesaid lien against subsequent mortgages, purchasers or judgment creditors, for value and without notice of the lien, on any property situated in a county, the Tax Commissioner shall file with the Register of Deeds of the county in which said property is located, a notice of said lien.

The Register of Deeds of each county shall prepare and keep in his office a book to be known as "Index of Tax Liens", so ruled as to show in appropriate columns the following data, under the names of taxpayers, arranged alphabetically.

1. The name of the taxpayer.
2. The name 'State of North Dakota' as claimant.
3. Time notice of lien was received.
4. Date of notice.
5. Amount of lien then due.
6. When satisfied.

The Register of Deeds shall indorse on each notice of lien the day, hour, and minute when received and preserve the same, and shall forthwith index said notice in said index book and shall forthwith record said lien in the manner provided for recording real estate mortgages, and the said lien shall be effective from the time of the indexing thereof.

The Tax Commissioner shall pay a recording fee as provided by law for the recording of such lien, or for the satisfaction thereof.

Upon the payment of a tax as to which the Tax Commissioner

has filed notice with the Register of Deeds, the Tax Commissioner shall forthwith file with said Register of Deeds a satisfaction of said tax and the Register of Deeds shall enter said satisfaction on the notice on file in his office and indicate said fact on the index aforesaid.

The Attorney General shall, upon the request of the Tax Commissioner, bring an action at law or in equity, as the facts may justify, without bond to enforce payment of any taxes and/or penalties, and in such action he shall have the assistance of the State's Attorney of the county in which the action is pending.

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the Tax Commissioner or Attorney General shall be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

The technical, legal requirements outlined in this Section relating to tax liens on all real and personal property of the taxpayer to insure payment of the taxes, including penalties, interest and other costs, are self-explanatory.

(5) Remittances on account of tax due under this Act shall not be deemed or considered payment thereof unless or until the Commissioner shall have collected or received the amount due for such tax in cash or equivalent credit.

§ 11. PERMITS; APPLICATIONS FOR.]

(1) It shall be unlawful for any person to engage in or transact business as a retailer within this State unless a permit or permits shall have been issued to him as hereinafter prescribed. Every person desiring to engage in or conduct business as a retailer within this State shall file with the Commissioner an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the Commissioner and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business and such other information as the Commissioner may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner thereof; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority.

(2) At the time of making such application, the applicant shall pay to the Commissioner a permit fee of fifty cents (50c) for each permit, and the applicant must have a permit for each place of business.

(3) Upon the payment of the permit fee, or fees herein required, the Commissioner shall grant and issue to each applicant a permit for each place of business within the State. A permit is not

assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

(4) Permits issued under the provisions of this section shall be valid and effective without further payment of fees until revoked by the Commissioner.

(5) Whenever the holder of a permit fails to comply with any of the provisions of this section or any rules or regulation prescribed by the Commissioner and adopted under this section, the Commissioner upon hearing after giving ten days' notice of the time and place of the hearing to show cause why his permit should not be revoked, may revoke the permit. The Commissioner shall also have the power to restore licenses after such revocation.

(6) The Commissioner shall charge a fee of One Dollar ($1.00) for the issuance of a permit to a retailer whose permit has been previously revoked.

(7) It is hereby provided that all permits issued under the provisions of Chapter 276, 1935 Session Laws, and all subsequent re-enactments thereof and in effect up to the taking effect of this Act are hereby continued and shall remain in full force and effect unless revoked as herein provided.

§ 12. FAILURE TO FILE RETURN; INCORRECT RETURN.] If a return required by this section is not filed, or if a return when filed is incorrect or insufficient and the maker fails to file a corrected or sufficient return within twenty days after the same is required by notice from the Commissioner, such Commissioner shall determine the amount of tax due from such information as he may be able to obtain, and, if necessary, may estimate the tax on the basis of external indices, such as number of employees of the person concerned, rentals paid by him, his stock on hand, and/or other factors. The Commissioner shall give notice of such determination to the person liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed shall within thirty days after the giving of notice of such determination, apply to the Commissioner for a hearing or unless the Commissioner of his own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the Commissioner shall give notice of his decision to the person liable for the tax.

§ 13. APPEALS.]

(1) An appeal may be taken by the taxpayer to the District Court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the Commissioner of his determination as provided for in the preceding Section.

(2) The appeal shall be taken by a written notice to the Commissioner and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the Clerk of said District Court, and docketed as other cases, with the taxpayer as plaintiff and the Commissioner as defendant. The plaintiff shall file with such Clerk a bond for the use of the defendant, with sureties approved by such Clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than Fifty Dollars ($50.00), conditioned that the plaintiff shall perform the orders of the Court.

(3) The Court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the Commissioner. The Court shall render its decree thereon and a certified copy of said decree shall be filed by the Clerk of said Court with the Commissioner who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the Commissioner to the Supreme Court of this State in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

§ 14. SERVICE OF NOTICE.]

(1) Any notice, except notice of appeal, authorized or required under the provisions of this Act may be given by mailing the same to the person for whom it is intended by registered mail addressed to such person at the address given in the last return filed by him pursuant to the provision of this division, or if no return has been filed, then such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this division by the giving of notice shall commence to run from the date of registration and posting of such notice.

(2) The provisions of the North Dakota Code relative to the limitation of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this Act.

§ 15. PENALTIES, OFFENSES.]

(1) Any person failing to file a return or corrected return or to pay any tax within the time required by this division, shall be subject to a penalty of five per cent (5%) of the amount of tax due, plus one per cent (1%) of such tax for each month of delay or fraction thereof, excepting the first month after such return was required to be filed or such tax became due; but the Commissioner, if satisfied that the delay was excusable, may remit all or any part of such penalty. Such penalty shall be paid to the Commissioner and disposed of in the same manner as other receipts under this Act. Unpaid

penalties may be enforced in the same manner as the tax imposed by this Act.

(2) Any person who shall sell tangible personal property, tickets or admissions to places of amusement and athletic events, or steam, gas, water, electricity and communication service at retail in this State after his license shall have been revoked, or without procuring a license within sixty (60) days after the effective date of this Act, as provided in Section 11 of this Act, or who shall violate the provisions of Section 7 of this Act, and the officers of any corporation who shall so act, shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than One Thousand Dollars ($1,000.00) or imprisonment for not more than one year, or both such fine and imprisonment, in the discretion of the Court.

(3) Any person required to make, render, sign or verify any return or supplementary return, who makes any false or fraudulent return, with intent to defeat or evade the assessment required by law to be made, shall be guilty of a misdemeanor and shall, for each such offense, be fined not to exceed Five Hundred Dollars ($500.00) or be imprisoned in the County Jail not exceeding one year, or be subject to both a fine and imprisonment, in the discretion of the Court.

(4) The certificate of the Commissioner to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied pursuant to the provisions of this Act, shall be prima facie evidence thereof.

(5) Any person failing to comply with any of the provisions of this Act, or failing to remit within the time herein provided to the State the tax due on any sale or purchase of tangible personal property subject to said sales tax, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the County Jail not exceeding six (6) months or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment at the discretion of the Court. This criminal liability shall be cumulative and in addition to the civil liability for penalties hereinbefore provided.

§ 16. The Tax Commissioner of the State of North Dakota is hereby charged with the administration of this Act and the taxes imposed thereby. Such Commissioner shall have power and authority to prescribe all rules and regulations not inconsistent with the provisions of this Act, necessary and advisable for its detailed administration and to effectuate the purposes, including the right to provide for the issuance and sale by the State of coupons covering the amount of tax or taxes to be paid under this Act, if such method is deemed advisable by said Commissioner.

§ 17. All fees, taxes, interest and penalties imposed and/or collected under this Act must be paid to the Commissioner in the

form of remittance payable to the Treasurer of the State of North Dakota, and said Commissioner shall transmit each payment monthly to the State Treasurer to be deposited in the State Treasury to the credit of a fund to be known as the Retail Sales Tax Fund, which fund is hereby created and established.

§ 18. GENERAL POWERS.]

(1) The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income and/or receipts of any taxpayer, shall have power: to examine or cause to be examined by any agent or representative designated by him, books, papers, records or memoranda; to require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas; to administer oaths, to examine witnesses and receive evidence; to compel witnesses to produce for examination books, papers, records and documents relating to any matter which he shall have the authority to investigate or determine.

(2) Where the Commissioner finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed the taxpayer. In all other cases the cost shall be paid by the State.

(3) The fees and mileage to be paid witnesses and taxed as costs shall be the same as prescribed by law in proceedings in the District Court of this State in civil cases. All costs shall be taxed in the manner provided by law in proceedings in civil cases. Where the costs are taxed to the taxpayer, they shall be added to the taxes assessed against said taxpayer and shall be collected in the same manner. Costs taxed to the state shall be certified by the Commissioner to the State Treasurer, who shall issue warrant for the amount of said costs, to be paid out of the proceeds of the taxes collected under this act.

(4) In case of disobedience to a subpoena the Commissioner may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and production of records, books, papers, and documents, and such court may issue an order requiring the person to appear before the Commissioner and give evidence or produce records, books, papers, and documents, as the case may be, and any failure to obey such order of Court may be punished by the Court as a contempt thereof.

(5) Testimony on hearings before the Commissioner may be taken by a deposition as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided.

§ 19. (1) The Commissioner may appoint such agents, auditors, clerks and employees as he may deem necessary and fix their salaries and compensation and prescribe their duties and powers, and said Commissioner shall have the right to remove such agents,

auditors, clerks and employees so appointed by him; provided, that the number of inspectors appointed shall not exceed ten, each of whom shall have had at least three years experience in the auditing and checking of books of account.

(2) All such agents and employees shall be allowed such reasonable and other necessary traveling expenses as may be incurred in the performance of their duties not to exceed, however, such amounts as are now or may hereafter be fixed by law.

(3) The Commissioner may require such of the officers, agents and employees as it may designate to give bond for the faithful performance of the duties in such sum and with such sureties as it may determine and the State shall pay, out of the proceeds of the taxes collected under the provisions of this Act, the premiums on such bonds.

(4) The Commissioner may utilize the office of the Treasurer of the various counties in order to administer this Act and effectuate its purposes, and may appoint the Treasurers of the various counties its agents to collect any or all of the taxes imposed by this Act, provided, however, that no additional compensation shall be paid to said Treasurer by reason thereof.

§ 20. INFORMATION DEEMED CONFIDENTIAL.]

(1) It shall be unlawful for the Commissioner, or any person having an administrative duty under this act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the Commissioner may authorize examination of such returns by other State officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the Federal Government.

(2) Any person violating the provisions of Sub-section 1 of this Section shall be guilty of a misdemeanor and punishable by fine not to exceed one thousand dollars ($1,000.00).

§ 21. CORRECTION OF ERRORS.] If it shall appear that, as a result of mistake, an amount of tax, penalty, or interest has been paid which was not due under the provisions of this Act, then such amount shall be credited against any tax due, or to become due, under this Act from the person who made the erroneous payment, or such amount shall be refunded to such person by the Commissioner.

§ 22. Wherever by any provision of this Act a refund is

authorized, the Commissioner shall certify the amount of the refund, the reason therefor and the name of the payee to the State Auditor, who shall thereupon draw his warrant on the Retail Sales Tax Fund in the amount specified payable to the named payee.

§ 23. ALLOCATION OF REVENUE.] All moneys collected and received under this Act shall be paid into the State Treasury and shall be credited by the State Treasurer into a special fund to be known as "The Retail Sales Tax Fund." Out of this fund the State Treasurer shall first provide for the payment of refunds allowed under this Act. That the net amount of moneys remaining in said "Retail Sales Tax Fund" shall be and shall constitute a special trust fund to be used and disbursed solely for the following purposes:

(1) That seven-twelfths (7/12) of said trust fund shall be used and disbursed only for the payment of appropriations made pursuant to and for the purposes set forth in the State Equalization Fund Law. That the remaining five-twelfths (5/12) of said trust fund shall be used and disbursed only for the payment of appropriations to be expended by the Public Welfare Board for the purposes authorized by law; provided, however, that appropriations made from the General Fund to be expended by said Public Welfare Board shall constitute and include appropriations from said five-twelfths (5/12) share of said trust fund.

(2) That the State Treasurer and State Auditor are hereby authorized and directed to make monthly transfers of all the amounts available in said trust fund, in the proportions provided herein to the State Equalization Fund and to be expended by said Public Welfare Board as provided by law.

§ 24. All monies now in the Retail Sales Tax Fund created by Chapter 57-39 of the North Dakota Revised Code of 1943, or collected pursuant to the provisions of said chapter, are hereby appropriated and transferred into the Retail Sales Tax Fund created by this act, and shall be allocated and used as herein provided.

§ 25. 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, clause, sentence or phrase hereof, irrespective of whether any one or more of the sections, subsections, clauses, sentences, or phrases, be declared unconstitutional.

§ 26. REPEAL.] All laws or parts of laws in conflict with this act are hereby repealed.

Approved March 9, 1945.

CHAPTER 309

H. B. No. 46

Introduced by Representatives Leet, Graham, Hofstrand, Stormon and Skaar

TAXATION OF PUBLIC LANDS SOLD ON CONTRACT

An Act Requiring that County Auditors be Notified Whenever Lands Owned by the State as Trustee of the Permanent School Fund are Sold Upon Contract Providing for a Future Conveyance and Providing Penalty for Failure to do so; That Upon Such Notice the County Auditor Put Such Lands upon the Tax Rolls for Assessment and Levy of Taxes; that Taxes so Levied be Not a Lien as Against the Vendor so Long as it Retains Title; that such Taxes be Cancelled and Stricken from the Tax Rolls by the County Auditor, upon Notice to Him of the Cancellation of Such Contract; that, in Case of Re-instatement of Such Contract or of Repurchase by the Vendee or His Heirs Under the Provisions of any Law Granting a Right of Reinstatement or Giving a Preference Right of Purchase, Such Taxes so Stricken shall be a Lien upon the Interest of Such Vendee or His Heirs, But not Against the Vendor, and for Delinquency and Collection of Such Taxes; that Notice be Given the County Auditor of any Reinstatement or Resale; That upon Reinstatement or Resale said Lands be Again Put Upon the Tax Rolls and Assessed and Taxes Levied as Before, Subject to Cancellation of Reinstated Contract; that before Conveyance under Reinstated Contract or Repurchase Under Preference Right, all Taxes so Levied and Cancelled and Stricken Shall be Fully Paid; that the Provisions Hereof Shall Not Apply if Land is Resold at Public Sale; and Repealing all Acts in Conflict Herewith.

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

§ 1. TAXATION OF PUBLIC LANDS SOLD ON CONTRACT.] Where real property owned by the State of North Dakota as trustee of permanent school fund for the use and benefit thereof, is sold upon contract providing for a future conveyance, the department or office making such contract on the part of the vendor shall immediately notify the county auditor of the county wherein said real property is situated, of the making of said contract, the description of the real property therein described, and the name of the vendee, and said real property shall be put upon the tax rolls of said county and the same shall be assessed and taxes levied, based upon said assessed value from and after the 1st day of April next succeeding the date of such contract and failure to do so shall make the Commissioner of school lands personally liable in a civil action to be brought by the state's attorney of the county wherein the land lies; against such Commissioner for the amount of the taxes that would have been levied had such notice been given as herein provided.

§ 2. CANCELLATION OF TAXES UPON CANCELLATION OF CONTRACT.] If, and when, such contract shall be cancelled and annulled by the vendor, such taxes shall be immediately cancelled and

stricken from the tax rolls by the county auditor upon notice to him by the vendor of such cancellation.

§ 3. REINSTATEMENT OF TAX UPON REINSTATEMENT OF CONTRACT OR SALE TO VENDEE UNDER PREFERENCE RIGHT.] If, and when such vendee, or his heirs or any of them, redeem said real property from such cancellation and such contract be reinstated under any law, then in effect, granting such right of reinstatement, or if and when such vendee, or his heirs, or any of them purchase said real property under the terms and conditions of any law then in effect granting a preference right of purchase, then the taxes levied upon such real property as hereinbefore provided shall be a lien upon the interest of said vendee or his heirs or any of them, but not as against the vendor, and shall become delinquent and shall be collected as other real property taxes may become delinquent and be collected.

§ 4. TAXATION AFTER REINSTATEMENT.] If, and when such contract be reinstated or said real property be repurchased as hereinbefore provided, the vendor shall immediately notify the county auditor as hereinbefore provided and said real property shall thereafter be assessed and taxes levied as hereinbefore provided, subject to cancellation of said reinstated or new contract as aforesaid, and cancellation and striking from tax rolls as aforesaid.

§ 5. PAYMENT OF TAX BEFORE CONVEYANCE.] If and when said real property be repurchased for cash by said vendee or his heirs or any of them under a preference right so to do, or when conveyance is made pursuant to such reinstated contract, said taxes so levied as aforesaid against the interest of said vendee of said real property shall be paid in addition to any sum required to be paid by the law under which such purchaser is granted a preference right of purchase.

§ 6. The provisions of this act shall not apply if said real property is purchased at a public sale thereof.

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

Approved February 28, 1945.

CHAPTER 310

S. B. No. 155
Introduced by Senators Bridston and Day

TAX LEVY FOR AIRPORT PURPOSE

An Act To permit a levy of three mills for airport purposes, in excess of all other levies permitted by law.

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

§ 1. In cities supporting airports for which no levy has been made by a park board or other taxing district, a levy in addition to all other levies permitted by law, but not to exceed three mills on the net taxable assessed valuation of property in such city, may be made for such purpose for a period not to exceed two years after the passage and approval of this act.

Approved March 9, 1945.

CHAPTER 311

S. B. No. 97
Introduced by Committee on Education

TAX LEVY FOR BUILDING FUND IN SCHOOL DISTRICTS

An Act to amend and re-enact Section 57-1516 of the North Dakota Revised Code of 1943 providing for a tax levy for building fund in school districts and providing for an election to authorize the levy of said tax, and authorizing the creation by a school district of a building fund and appropriation to said fund from the budget and limitations on such allowance in the budget, and declaring an emergency.

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

§ 1. That Section 57-1516 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

57-1516. TAX LEVY FOR BUILDING FUND IN SCHOOL DISTRICTS.] The governing body of any school district may levy taxes annually for a school building fund, not in excess of five mills, which levy shall be in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the electors voting upon the question at a regular or special election in any school district. The governing body of such school district may create such building fund by appropriating and

setting up in its budget for such an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law.

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

Approved March 9, 1945.

CHAPTER 312

S. B. No. 41
Introduced by Senator Flatt

TAX LEVIES FOR CEMETERIES

An Act Relating to the Authorization of a Two Mill Levy for the Care, Maintenance, and Improvement of Cemeteries by Organized Townships, Villages and Cities of the State of North Dakota.

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

§ 1. CEMETERY TAX LEVIES.] Organized townships, villages and cities are hereby authorized to levy a tax, not exceeding two mills on the dollar of the net assessed taxable valuations of the organized townships, villages or cities, in addition to all levies now authorized by law, for the purpose and to be used exclusively for the care, maintenance, and improvement of established cemeteries, owned and maintained by such organized townships, villages or cities.

Approved February 23, 1945.

CHAPTER 313

H. B. No. 242
Introduced by Representatives Haugen and Klefstad

TAX LEVY FOR CONSTRUCTION FUND IN VILLAGES

An Act Providing for a tax levy for a construction fund in villages; providing for an election to authorize the levy of said tax; authorizing the creation by a village of a construction fund; appropriation to said fund from the budget and limitation special allow-

ance in the budget; providing for the disposition of said construction fund; fixing a penalty for unlawful withdrawal of such construction fund; and declaring an emergency.

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

§ 1. TAX LEVY FOR CONSTRUCTION FUND IN VILLAGES.] The board of village trustees of any village may levy taxes annually for a construction fund, not in excess of five mills, which levy shall be in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the electors voting upon the question at a regular or special election in any village which, at the time of making the annual levy, has no outstanding unpaid certificates of indebtedness, and in which the limitation of levy has not been increased from the basic mill rate. Such construction fund shall be used for paying all or part of the construction of waterwork systems, sewage systems, public buildings, or any other public improvements for which villages are authorized by law to pay for from general tax levies, and the board of village trustees, when submitting to the electors of the village, the question of authorizing the aforesaid tax levy, shall specify the purposes for which said construction fund is to be used. The board of village trustees of such village may create such building fund by appropriating and setting up in its budget, for such an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of the appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law.

§ 2. DISPOSITION OF CONSTRUCTION FUND TAX.] Revenues raised for construction purposes shall be disposed of as follows:

(1) All revenues accruing from appropriations or tax levies for a construction fund, together with such amounts as may be realized for construction purposes from all other sources, shall be placed in separate fund known as a village construction fund, and shall be deposited and held as the sinking funds of such villages are held. Such fund shall be used solely and exclusively for the purpose of constructing waterworks systems, sewage systems, public buildings or such other public improvements as the electors may have authorized, and shall be paid out by the custodian thereof, only upon order of the board of village trustees, signed by the chairman of the board of village trustees and the clerk of said village; such order must recite upon its face the purpose for which such payment is made.

(2) Any moneys remaining in a construction fund after the completion of the payments for any village construction fund project which has cost seventy-five percent or more of the amount in such construction fund at the time of letting the contracts therefor, shall

be returned to the general fund of the village upon the order of the board of village trustees.

(3) Upon the 1st day of June of each year, the custodian of any village construction fund, shall pay into the general fund of the village, any moneys which have remained in such fund for a period of ten years or more, the custodian shall consider that all payments which have been paid from the village construction fund for building purposes have been paid from the fund first acquired.

§ 4. PENALTY FOR UNLAWFUL WITHDRAWAL OF CONSTRUCTION FUND.] Every officer participating in the unlawful withdrawal of any village construction fund, shall be guilty of a misdemeanor, and shall be liable for the loss to such construction fund on his official bond.

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

Approved February 28, 1945.

CHAPTER 314

S. B. No. 178
Introduced by Senators Day, O'Brien and Lynch

TENDER OF TAXES

An Act To amend and re-enact Section 57-4510 of the North Dakota Revised Code of 1943 providing for tender of unpaid taxes in any action to test the validity of any tax deed, and providing for refund to purchaser in the event of an adverse decision.

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

§ 1. AMENDMENT.] That Section 57-4510 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

57-4510. TENDER OF TAXES.] Whenever any action at law or in equity is brought to test the validity of any deed issued and delivered by the county to the purchaser of lands acquired through tax deed proceedings, the court shall not proceed with the trial of such action until the party assailing the validity of such deed, within the time required by the court, shall deposit with the clerk thereof for the benefit of the County should the deed be held invalid, the amount of all delinquent and unpaid taxes on said property, including penalty and interest, plus any taxes paid thereon by the purchaser from the county. Should said action be determined ad-

versely to the purchaser from the county it shall repay to him any monies received by the county on said purchase.

Approved March 13, 1945.

CHAPTER 315

H. B. No. 189
Introduced by Representatives Isaak and Sharpe

TRANSFER CERTAIN SCHOOL FUNDS AUTHORIZED

An Act Permitting school districts to transfer from a school district's special reserve fund any amounts in such special reserve fund which have been by school districts treated in the budget as cash on hand and deducted from the amount required to be levied, and declaring an emergency.

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

§ 1. Any school district which has heretofore by mistake, or for any other reason, considered all or any part of a special reserve fund, as defined and provided for in Chapter 57-19 of the North Dakota Revised Code for 1943, in determining the budget for the school district which has deducted all or any part of the funds in such special reserve fund from the amount necessary to be levied for any school fiscal year, may transfer from the special reserve fund into the general fund all or any part of such amounts which have been so considered contrary to the provisions of Section 57-1905 of the North Dakota Revised Code of 1943.

§ 2. 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 10, 1945.

CHAPTER 316

H. B. No. 188
Introduced by Representatives Sharpe and Isaak

TRANSFER SPECIAL RESERVE FUNDS IN SCHOOL DISTRICTS

An Act For school districts to transfer from the special reserve fund one-half of the amounts previously transferred from general funds into the special reserve funds, and providing that such transfer must be made within six months after the effective date of this act, and declaring an emergency.

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

§ 1. Any school district which has, pursuant to the provisions of Chapter 57-19 of the North Dakota Revised Code of 1943, transferred money from its general fund to the special reserve fund, may, within six months after the effective date of this act, transfer from the special reserve fund of the district to the general fund, an amount of money equal to one-half of the previous transfers made from the general fund into the special reserve fund.

§ 2. Since many school districts made transfers of money from their general fund into the special reserve fund with the belief that it could be retransferred if need arose, other than the needs specified in the law, an emergency is hereby declared to exist and this law shall be in full force and effect from and after the date of its passage and approval.

Approved March 2, 1945.

CHAPTER 317

H. B. No. 38

Introduced by Representatives Hofstrand, Schnell, Nystrom, B mers, Ostgulen, Fuglestad, Stair, Olson of Barnes, Bagge, Heckman, Leet, Haugen, Moerke, Mollet, Levin, Moe, Halcrow, Langley and Sandness

VALUATION BASIS FOR COMPUTING TAX

An Act Amending and re-enacting Section 57-0228 of the North Dakota Revised Code of 1943 relating to basis of assessment of property for taxation purposes, raising such basis from fifty percent to seventy-five percent of the full and true value of such property; repealing all acts and parts of acts in conflict herewith; and declaring an emergency.

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

§ 1. That Section 57-0228 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows: The value of all property subject to a general property tax, not exempted by law nor subject to any gross sales or other lieu tax, to be used in the computation of the tax levied, shall be seventy-five percent of the full and true value thereof. Assessors and boards of review shall assess and return all taxable property at its full and true value, and the county auditor, after equalization by the state board of equalization, shall make the computations necessary to reduce the assessed value to said seventy-five percent.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

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

Approved March 12, 1945.

CHAPTER 318

H. B. No. 39
Introduceed by Representatives Hovey and Olson of Barnes

WAR EMERGENCY FUND, CITIES

An Act To amend and re-enact Section 57-1529 of the North Dakota Revised Code of 1943, relating to War Emergency Fund; Cities.

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

§ 1. AMENDMENT.] Section 57-1529 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows: Section 57-1529, WAR EMERGENCY FUND; CITIES. The governing body of any city may levy a tax during each of the years 1945 and 1946 for war emergency purposes. Such tax shall not exceed the amount produced by the levy of one mill on the dollar of the net taxable valuation of the city. The monies in such fund shall not be considered in determining the budget or the amount to be levied for each fiscal year for normal tax purposes, but shall be shown in such budget as a "war emergency fund" and shall not be deducted from the budget as otherwise provided by law. Each city levying such tax may create a war emergency fund, and all taxes levied for war emergency purposes by any city, when collected, shall be covered into such emergency fund and shall be used only for such war emergency purposes as the governing body of the city, by ordinance, shall determine necessary. Such emergency fund may be used for the replacement or repair of public buildings or property destroyed through war activities or sabotage, for the contribution of the city's share toward the erection, construction, or purchase of any building necessary or essential to the war effort or post-war rehabilitation, including the purchase of or contribution toward the cost of any site or sites necessary for such structures or for any other expenditures necessary and essential to cooperation with the federal government or any of its agencies in any war program or post-war rehabilitation activities. The levy of a tax for such emergency purposes of one mill authorized by this chapter shall not be subject to the regular mill limitation prescribed by law.

Approved February 13, 1945.

TOWNSHIPS

CHAPTER 319

H. B. No. 198
Introduced by Representative Olson of Barnes

FIRE PREVENTION IN TOWNSHIPS

An Act Authorizing the electors of townships to empower the board of supervisors to provide by contract or otherwise, for the prevention of, protection from and extinguishment of fires within the townships.

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

§ 1. POWERS OF ELECTORS.] The electors of each township shall have the power at the annual township meeting, to authorize and empower the board of township supervisors to provide by contract or otherwise, for the prevention of, protection from and extinguishment of fires within the townships, in such manner as the board of supervisors shall deem advisable.

Approved February 27, 1945.

TRUSTS, USES, AND POWERS

CHAPTER 320

H. B. No. 145
Introduced by Representatives Fitch and Ohnstad

UNIFORM TRUST RECEIPTS ACT

An Act With reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

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

§ 1. (DEFINITIONS) In this act, unless the context or subject matter otherwise requires:

"Buyer in the ordinary course of trade" means a person to whom goods are sold and delivered for new value and who acts in good faith and without actual knowledge of any limitation on

the trustee's liberty of sale, including one who takes by conditional sale or under a preexisting mercantile contract with the trustee to buy the goods delivered, or like goods, for cash or on credit. "Buyer in the ordinary course of trade" does not include a pledgee, or mortgagee, a lienor, or a transferee in bulk.

"Document" means any document of title of goods.

"Entruster" means the person who has or directly or by agent takes a security interest in goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. A person in the business of selling goods or instruments for profit, who at the outset of the transaction has, as against the buyer, general property in such goods or instruments, and who sells the same to the buyer on credit, retaining title or other security interest under a purchase money mortgage or conditional sales contract or otherwise, is excluded.

"Goods" means any chattels personal other than: money, things in action, or things so affixed to land as to become a part thereof.

"Instrument" means

(a) any negotiable instrument as defined in the Uniform Negotiable Instruments Law and amendments thereto, or

(b) any certificate of stock, or bond or debenture for the payment of money issued by a public or private corporation as part of a series, or

(c) any interim, deposit or participation certificate or receipt, or other credit or investment instrument of a sort marketed in the ordinary course of business or finance, of which the trustee, after the trust receipt transaction, appears by virtue of possession and the face of the instrument to be the owner. "Instrument" does not include any document of title to goods.

"Lien creditor" means any creditor who has acquired a specific lien on the goods, documents or instruments by attachment, levy, or by any other similar operation of law or judicial process, including a distraining landlord.

"New value" includes new advances or loans made, or new obligation incurred, or the release or surrender of a valid and existing security interest, or the release of a claim to proceeds under Section 10; but "new value" shall not be construed to include extensions or renewals of existing obligations of the trustee, nor obligations substituted for such existing obligations.

"Person" means, as the case may be, an individual, trustee, receiver or other fiduciary, partnership, corporation, business trust, or other association, and two or more persons having a joint or common interest.

"Possession," as used in this act with reference to possession taken or retained by the entruster, means actual possession of goods,

documents or instruments, or, in the case of goods, such constructive possession as, by means of tags or signs or other outward marks placed and remaining in conspicuous places, may reasonably be expected in fact to indicate to the third party in question that the entruster has control over or interest in the goods.

"Purchase" means taking by sale, conditional sale, lease, mortgage, or pledge, legal or equitable.

"Purchaser" means any person taking by purchase. A pledgee, mortgagee or other claimant of a security interest created by contract is, insofar as concerns his specific security, a purchaser and not a creditor.

"Security interest" means a property interest in goods, documents or instruments, limited in extent to securing performance of some obligation of the trustee or of some third person to the entruster, and includes the interest of a pledgee, and title, whether or not expressed to be absolute, whenever such title is in substance taken or retained for security only.

"Transferee in bulk" means a mortgagee or a pledgee or a buyer of the trustee's business substantially as a whole.

"Trustee" means the person having or taking possession of goods, documents, or instruments under a trust receipt transaction, and any successor in interest of such person. The use of the word "Trustee" herein shall not be interpreted or construed to imply the existence of a trust or any right or duty of a trustee in the sense of equity jurisprudence other than as provided by this act.

"Value" means any consideration sufficient to support a simple contract. An antecedent or preexisting claim, whether for money or not, and whether against the transferor or against another person, constitutes value where goods, documents or instruments are taken either in satisfaction thereof or as security therefor.

§ 2. (WHAT CONSTITUTES TRUST RECEIPT TRANSACTION AND TRUST RECEIPT.)

1. A trust receipt transaction within the meaning of this act is any transaction to which an entruster and a trustee are parties, for one of the purposes set forth in Subsection 3, whereby

(a) the entruster or any third person delivers to the trustee goods, documents or instruments in which the entruster (i) prior to the transaction has, or for new value (ii) by the transaction acquires or (iii) as the result thereof is to acquire promptly, a security interest; or

(b) the entruster gives new value in reliance upon the transfer by the trustee to such entruster of a security interest in instruments which are actually exhibited to such entruster, or to his agent in that behalf, at a place of business of either entruster or agent, but possession of which is retained by the trustee;

provided that the delivery under paragraph (a) or the giving of new value under paragraph (b) either

(i) be against the signing and delivery by the trustee of a writing designating the goods, documents or instruments concerned, and reciting that a security interest therein remains in or will remain in, or has passed to or will pass to, the entruster, or

(ii) be pursuant to a prior or concurrent written and signed agreement of the trustee to give such a writing

The security interest of the entruster may be derived from the trustee or from any other person, and by pledge or by transfer of title or otherwise.

If the trustee's rights in the goods, documents or instruments are subject to a prior trust receipt transaction, or to a prior equitable pledge, Section 9 and Section 3, respectively, of this act determine the priorities.

2. A writing such as is described in Subsection 1, paragraph (i) signed by the trustee, and given in or pursuant to such a transaction, is designated in this act as a "trust receipt." No further formality of execution or authentication shall be necessary to the validity of a trust receipt.

3. A transaction shall not be deemed a trust receipt transaction unless the possession of the trustee thereunder is for a purpose substantially equivalent to any one of the following:

(a) in the case of goods, documents or instruments, for the purpose of selling or exchanging them, or of procuring their sale or exchange; or

(b) in the case of goods or documents, for the purpose of manufacturing or processing the goods delivered or covered by the documents, with the purpose of ultimate sale, or for the purpose of loading, unloading, storing, shipping, trans-shipping or otherwise dealing with them in a manner preliminary to or necessary to their sale; or

(c) in the case of instruments, for the purpose of delivering them to a principal, under whom the trustee is holding them, or for consummation or some transaction involving delivery to a depository or registrar, or for their presentation, collection, or renewal.

§ 3. (Attempted Creation or Continuance of Pledge Without Delivery or Retention of Possession.)

1. An attempted pledge or agreement to pledge not accompanied by delivery of possession, which does not fulfill the requirements of a trust receipt transaction, shall be valid as against creditors of the pledgor only as follows:

(a) to the extent that new value is given by the pledgee in reliance thereon, such pledge or agreement to pledge shall

be valid as against all creditors with or without notice, for ten days from the time the new value is given;

(b) to the extent that the value given by the pledgee is not new value, and in the case of new value after the lapse of ten days from the giving thereof, the pledge shall have validity as against lien creditors without notice, who become such as prescribed in Section 8, only as of the time the pledgee takes possession, and without relation back.

2. Purchasers (including entrusters) for value and without notice of the pledgee's interest shall take free of any such pledge or agreement to pledge unless, prior to the purchase, it has been perfected by possession taken.

3. Where, under circumstances not constituting a trust receipt transaction, a person, for a temporary and limited purpose, delivers goods, documents, or instruments, in which he holds a pledgee's or other security interest, to the person holding the beneficial interest therein, the transaction has like effect with a purported pledge for new value under this section.

§ 4. (CONTRACT TO GIVE TRUST RECEIPT)

1. A contract to give a trust receipt, if in writing and signed by the trustee, shall, with reference to goods, documents or instruments thereafter delivered by the entruster to the trustee in reliance on such contract, be equivalent in all respects to a trust receipt.

2. Such a contract shall as to such goods, documents, or instruments be specifically enforceable against the trustee, but this subsection shall not enlarge the scope of the entruster's rights against creditors of the trustee as limited by this act.

§ 5. (VALIDITY BETWEEN THE PARTIES)

Between the entruster and the trustee the terms of the trust receipt shall, save as otherwise provided by this act, be valid and enforceable. But no provision for forfeiture of the trustee's interest shall be valid except as provided in Subsection 5 of Section 6.

§ 6. (REPOSSESSION AND ENTRUSTER'S RIGHTS ON DEFAULT.)

1. The entruster shall be entitled as against the trustee to possession of the goods, documents or instruments on default, and as may be otherwise specified in the trust receipt.

2. An entruster entitled to possession under the terms of the trust receipt or of Subsection 1 may take possession in any manner permitted by law for taking possession of personal property subject to lien.

3. (a) After possession taken, the entruster shall, subject to subdivision (b) and Subsection 5, hold such goods, documents or instruments with the rights and duties of a pledgee.

(b) An entruster in possession may, on or after default, fore-

close his lien in the manner provided by law for foreclosure of a pledge, and may at public sale himself become a purchaser. The proceeds of any such sale, whether public or private, shall be applied (i) to the payment of the expenses thereof, (ii) to the payment of the expense of retaking, keeping and storing the goods, documents, or instruments, (iii) to the satisfaction of the trustee's indebtedness. The trustee shall receive any surplus and shall be liable to the entruster for any deficiency.

(c) A purchaser in good faith and for value from an entruster in possession takes free of the trustee's interest, even in a case in which the entruster is liable to the trustee for conversion.

4. Surrender of the trustee's interest to the entruster shall be valid, on any terms upon which the trustee and the entruster may, after default, agree.

5. As to articles manufactured by style or model, the terms of the trust receipt may provide for forfeiture of the trustee's interest, at the election of the entruster, in the event of the trustee's default, against cancellation of the trustee's then remaining indebtedness; provided that in the case of the original maturity of such indebtedness there must be cancelled not less than 80% of the purchase price to the trustee, or of the original indebtedness, whichever is greater; or, in the case of a first renewal, not less than 70%, or, in the case of a second or further renewal, not less than 60%.

§ 7. (General Effect of Entruster's Filing or Taking Possession)

1. (a) If the entruster within the period of thirty days specified in Subsection 1 of Section 8 files as in this act provided, such filing shall be effective to preserve his security interest in documents or goods against all persons, save as otherwise provided by Sections 8, 9, 10, 11, 14, and 15 of this act.

(b) Filing after the lapse of the said period shall be valid; but in such event, save as provided in subdivision 2(b) of Section 9, the entruster's security interest shall be deemed to be created by the trustee as of the time of such filing, without relation back, as against all persons not having notice of such interest.

2. The taking of possession by the entruster shall, so long as such possession is retained, have the effect of filing, in the case of goods or documents; and of the notice of the entruster's security interest to all persons, in the case of instruments.

§ 8. (Validity Against Creditors.)

1. The entruster's security interest in goods, documents or instruments under the written terms of a trust receipt transaction, shall without any filing be valid as against all creditors of the trustee, with or without notice, for thirty days after delivery of the goods, documents or instruments to the trustee, and thereafter except as in this act otherwise provided.

But where the trustee at the time of the trust receipt transaction has and retains instruments, the thirty days shall be reckoned from the time such instruments are actually shown to the entruster, or from the time that the entruster gives new value under the transaction, whichever is prior.

2. Save as provided in Subsection 1, the entruster's security interest shall be void as against lien creditors who become such after such thirty day period and without notice of such interest and before filing.

(a) Where a creditor secures the issuance of process which within a reasonable time after such issuance results in attachment of or levy on the goods, he is deemed to have become a lien creditor as of the date of the issuance of the process.

(b) Unless prior to the acquisition of notice by all creditors filing has occurred or possession has been taken by the entruster, (i) an assignee for the benefit of creditors, from the time of assignment, or (ii) a receiver in equity from the time of his appointment, or (iii) a trustee in bankruptcy or judicial insolvency proceedings from the time of filing of the petition in bankruptcy or judicial insolvency by or against the trustee, shall, on behalf of all creditors, stand in the position of a lien creditor without notice, without reference to whether he personally has or has not, in fact, notice of the entruster's interest.

§ 9. (Limitations on Entruster's Protection Against Purchasers.)

1. (Purchasers of Negotiable Documents or Instruments.)

(a) Nothing in this act shall limit the rights of purchasers in good faith and for value from the trustee of negotiable instruments or negotiable documents, and purchasers taking from the trustee for value, in good faith, and by transfer in the customary manner instruments in such form as are by common practice purchased and sold as if negotiable, shall hold such instruments free of the entruster's interest; and filing under this act shall not be deemed to constitute notice of the entruster's interest to purchasers in good faith and for value of such documents or instruments, other than transferees in bulk.

(b) The entrusting (directly, by agent, or through the intervention of a third person) of goods, documents or instruments by an entruster to a trustee, under a trust receipt transaction or a transaction falling within Section 3 of this act, shall be equivalent to the like entrusting of any documents or instruments which the trustee may procure in substitution, or which represents the same goods or instruments or the proceeds thereof, and which the trustee negotiates to a purchaser in good faith and for value.

2. Where a purchaser from the trustee is not protected under Subsection 1 hereof, the following rules shall govern:

(a) (Sales by trustee in the ordinary course of trade.)

(i) Where the trustee, under the trust receipt transaction, has liberty of sale and sells to a buyer in the ordinary course of trade, whether before or after the expiration of the thirty day period, specified in Sub-section 1 of Section 8 of this act, and whether or not filing has taken place, such buyer takes free of the entruster's security interest in the goods so sold, and no filing shall constitute notice of the entruster's security interest to such a buyer.

(ii) No limitation placed by the entruster on the liberty of sale granted to the trustee shall affect a buyer in the ordinary course of trade, unless the limitation is actually known to the latter.

(b) (Purchasers other than buyers in the ordinary course of trade)

In the absence of filing, the entruster's security interest in goods shall be valid, as against purchasers, save as provided in this Section; but any purchaser, not a buyer in the ordinary course of trade, who, in good faith and without notice of the entruster security interest and before filing, either (i) gives new value before the expiration of the thirty day period specified in Subsection 1 of Section 8, or (ii) gives value after said period, and who in either event before filing also obtains delivery of goods from a trustee shall hold the subject matter of his purchase free of the entruster's security interest; but a transferee in bulk can take only under (ii) of this subdivision (b).

(c) (Liberty of Sale)

If the entruster consents to the placing of goods subject to a trust receipt transaction in the trustee's stock in trade or in his sales or exhibition rooms, or allows such goods to be so placed or kept, such consent or allowance shall have like effect as granting the trustee liberty of sale.

3. As to all cases covered by this section the purchase of goods, documents or instruments on credit shall constitute a purchase for new value, but the entruster shall be entitled to any debt owing to the trustee and any security therefor, by reason of such purchase; except that the entruster's right shall be subject to any set-off or defense valid against the trustee and accruing before the purchaser has actual notice of the entruster's interest.

§ 10. (Entruster's Right to Proceeds.)

Where, under the terms of the trust receipt transaction, the trustee has no liberty of sale or other disposition, or, having liberty of sale or other disposition, is to account to the entruster for the proceeds of any disposition of the goods, documents or instruments, the entruster shall be entitled, to the extent to which and against all classes of persons as to whom his security interest was valid at the time of disposition by the trustee, as follows:

(a) to the debts described in Section 9 (3); and also

(b) to any proceeds or the value of any proceeds (whether such proceeds are identifiable or not) of the goods, documents or instruments, if said proceeds were received by the trustee within the ten days prior to either application for appointment of a receiver of the trustee, or the filing of a petition in bankruptcy or judicial insolvency proceedings by or against the trustee, or demand made by the entruster for prompt accounting; and to a priority to the amount of such proceeds or value; and also

(c) to any other proceeds of the goods, documents or instruments which are identifiable, unless the provision for accounting has been waived by the entruster by words or conduct; and knowledge by the entruster of the existence of proceeds, without demand for accounting made within ten days from such knowledge, shall be deemed such a waiver.

§ 11. (Liens in Course of Business Good Against Entruster)

Specific liens arising out of contractual acts of the trustee with reference to the processing, warehousing, shipping or otherwise dealing with specific goods in the usual course of the trustee's business preparatory to their sale shall attach against the interest of the entruster in said goods as well as against the interest of the trustee, whether or not filing has occurred under this act; but this section shall not obligate the entruster personally for any debt secured by such lien; nor shall it be construed to include the lien of a landlord.

§ 12. (Entruster Not Responsible on Sale by Trustee)

An entruster holding a security interest shall not, merely by virtue of such interest or of his having given the trustee liberty of sale or other disposition, be responsible as principal or as vendor under any sale or contract to sell made by the trustee.

§ 13. (Filing and Refiling Concerning Trust Receipt Transactions Covering Documents or Goods.)

1. Any entruster undertaking or contemplating trust receipt transactions with reference to documents or goods is entitled to file

with the Secretary of State a statement, signed by the entruster and the trustee, containing;

(a) a designation of the entruster and the trustee, and of the chief place of business of each within this state, if any; and if the entruster has no place of business within the state, a designation of his chief place of business outside the state; and

(b) a statement that the entruster is engaged, or expects to be engaged, in financing under trust receipt transactions the acquisition of goods by the trustee; and

(c) a description of the kind or kinds of goods covered or to be covered by such financing.

2. The following form of statement (or any other form of statement containing substantially the same information) shall suffice for the purposes of this act:

"Statement of Trust Receipt Financing.

"The entruster_____whose chief place of business within this state is at_____, (or who has no place of business within this state and whose chief place of business outside this state is at_____,) is or expects to be engaged in financing under trust receipt transactions the acquisition by the trustee, _____whose chief place of business within this state is at_____of goods of the following description: (coffee, silk, automobiles, or the like.)

(signed)_____Entruster
(signed)_____Trustee."

3. It shall be the duty of the filing officer to mark each statement filed with a consecutive file number, and with the date and hour of filing, and to keep such statement in a separate file; and to note and index the filing in a suitable index, indexed according to the name of the trustee and containing a quotation of the trustee's chief place of business as given in the statement. The fee for such filing shall be one dollar.

1. Central filing is essential to the plan of the act.

4. Presentation for filing of the statement described in Subsection 1 and payment of the filing fee, shall constitute filing under this act, in favor of the entruster, as to any documents or goods falling within the description in the statement which are within one year from the date of such filing, or have been, within thirty days previous to such filing, the subject-matter of a trust receipt transaction between the entruster and the trustee.

5. At any time before expiration of the validity of the filing, as specified in Subsection 4, a like statement, or an affidavit by the entruster alone, setting out the information required by Subsection 1, may be filed in like manner as the original filing. Any filing of such further statement or affidavit shall be valid in like manner and for

like period as an original filing, and shall also continue the rank of the entruster's existing security interest as against all junior interests. It shall be the duty of the filing officer to mark, file and index the further statement or affidavit in like manner as the original.

§ 14. (LIMITATIONS ON EXTENT OF OBLIGATION SECURED.)

As against purchasers and creditors, the entruster's security interest may extend to any obligation for which the goods, documents or instruments were security before the trust receipt transaction, and to any new value given or agreed to be given as a part of such transaction; but not, otherwise, to secure past indebtedness of the trustee; nor shall the obligation secured under any trust receipt transaction extend to obligations of the trustee to be subsequently created.

§ 15. (ACT NOT APPLICABLE TO CERTAIN TRANSACTION.)

This act shall not apply to single transactions of legal or equitable pledge, not constituting a course of business, whether such transactions be unaccompanied by delivery of possession, or involve constructive delivery, or delivery and redelivery, actual or constructive, so far as such transactions involve only an entruster who is an individual natural person, and a trustee entrusted as a fiduciary with handling investments or finances of the entruster; nor shall it apply to transactions of bailment or consignment in which the title of the bailor or consignor is not retained to secure an indebtedness to him of the bailee or consignee.

§ 16. (ELECTION AMONG FILING STATUTES.)

As to any transaction falling within the provision both of this act and of any other act requiring filing or recording, the entruster shall not be required to comply with both, but by complying with the provisions of either at his election may have the protection given by the act complied with; except that buyers in the ordinary course of trade as described in Subsection 2 of Section 9, and lienors as described in Section 11, shall be protected as therein provided, although the compliance of the entruster be with the filing or recording requirements of another act.

§ 17. (CASES NOT PROVIDED FOR.)

In any case not provided for in this act the rules of law and equity, including the law merchant, shall continue to apply to trust receipt transactions and purported pledge transactions not accompanied by delivery of possession.

§ 18. (UNIFORMITY OF INTERPRETATION.)

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

§ 19. (CONSTITUTIONALITY.)

If any provision of this act or the application thereof to any

person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the 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.

§ 20. (SHORT TITLE.)

This act may be cited as the Uniform Trust Receipts Act.

§ 21. (INCONSISTENT LAWS REPEALED.)

(Except so far as they are applicable to trust receipt and pledge transactions entered into before this act takes effect, the following acts shall be and hereby are repealed__; and) all acts or or parts of acts inconsistent with this act are hereby repealed.

Approved March 14, 1945.

WATERS

CHAPTER 321

H. B. No. 210

Introduced by Representatives Belzer and Monson by request

ASSESSMENT FOR DRAINAGE

An Act Authorizing Board of Flood Irrigation to make levy for drainage within flood irrigation project, providing for assessment for drainage, certification of levy to county auditor, and the land within project subject to such levy.

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

§ 1. ASSESSMENT FOR DRAINAGE.] The board of flood irrigation of any flood irrigation project shall be and is empowered to levy a special tax against all land located within any particular pond in the project to be used for necessary ditching of lands located within the particular pond of the flood irrigation project to procure proper drainage for such lands. Said board shall annually certify to the county auditor the amount that shall be required for such drainage purposes during the following year. Thereupon the county auditor shall apportion the same to the several tracts or parcels of land within such pond within the project, the amount which each parcel or tract of land shall be assessable within said pond, such apportionment to be made on the basis on which the original benefits were assessed within the particular pond under the provisions of Section 61-1222 of the North Dakota Revised Code of 1943, and shall extend such

amount upon the tax lists as a special tax on the lands in such pond. The taxes so collected for drainage shall be credited to a drainage fund for the pond of the project involved.

Approved March 13, 1945.

CHAPTER 322

S. B. No. 179
Introduced by Senators Braun, Rue, Young and Kehoe

ASSESSMENTS BY IRRIGATION DISTRICTS

An Act To amend and reenact Section 61-0915 of the North Dakota Revised Code of 1943, relating to assessments by Irrigation Districts, and to the powers of district courts involving the validity of such assessments, and of tax certificates, and tax deeds based upon such assessments, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 61-0915 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

61-0915. All assessments made pursuant to the provisions of this chapter on real property, and assessments on leasehold estates owned by this state or any of its subdivisions, and, to the extent provided by the act of congress of August 11, 1916, assessments on entered or unentered public lands, shall be a general tax against the real property on which assessed in like manner and to the same effect as general state and county taxes and shall be of the same order. The lien thereof shall share ratably with general tax liens in all tax proceedings and tax sales, and shall be subject to all provisions of law relating to general taxes. Such assessment shall become due and payable and delinquent at the same time as other general state and county taxes, and at the annual tax sale the said assessment shall be included in the total amount of taxes for which the property affected is being offered for sale, and such property, in the absence of other bidders, shall be sold to the county. A tax sale certificate therefor may issue to the county and shall remain subject to all statutory provisions applying to tax sale certificates issued to a county. In case leasehold estates only are affected by said assessments the tax sale certificate issued therefor shall state that fact. The lien for the bonds of any series shall be preferred to that of any subsequent series, and the lien for the payments due to the United States under any contract between the district and the United States, accompanying which bonds have not been deposited with the United

States, shall be a lien preferred over that of any issue of bonds or any series of any issue subsequent to the date of such contract. All funds arising from assessment and levy, if any, shall be devoted to the obligations of the district payable from said funds and as to all obligations from the bond and United States contract a fund shall be so devoted in the order of priority of the creation of the obligation. No error or omission which may be made in the proceedings of the board, or of any officer of an irrigation district in referring, reporting upon, ordering or otherwise acting concerning the establishment, construction or acquisition of irrigation works, or concerning the issuance of bonds or improvement warrants, or in making or certifying any assessment shall vitiate or in any way affect any such assessment; but if it shall appear that by reason of such error or omission substantial injury has been done to the party or parties claiming to be aggrieved, the court shall alter such assessment as may be just and the same shall then be enforced. Whenever the validity of any assessment, or the validity of any tax sale certificate or deed given pursuant to a sale for such assessment shall be drawn in question in any action in any district court in this state, and such assessment shall be held to be invalid by reason of noncompliance with the laws of this state, the court shall determine the true and just amount which the property attempted to be so assessed by said assessment should pay, to make the same uniform with other assessments for the same purpose, and the amount of such assessments as the same appears on the assessment list thereof, shall be prima facie evidence of such true and just amount, and judgment must be rendered and given therefor against the property liable for such assessment, without regard to the proceedings had for the levy thereof, and such judgment shall be a lien upon the property upon which the assessment shall have been levied, of equal force and effect as the lien of irrigation district assessments, and the lien of such judgment shall be enforced by the court in such action.

§ 2. 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 10, 1945.

CHAPTER 323

H. B. No. 219

Introduced by Representatives Collette, Halcrow, Levin, Saumur, McInnes, Ohnstad, Pyle, Thompson of Richland, Luick, Johnson of Richland, Klefstad, Severson, Bagge, Stanley, Gainor, Lillehaugen and Wollitz

DRAINS MAY BE LAID ALONG ROADS AND RAILROADS

An Act To amend and re-enact Section 61-2135 of the North Dakota Revised Code of 1943, providing that drains may be laid along roads and railroads and providing for the building and keeping in repair.

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

§ 1. AMENDMENT.] That Section 61-2135 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

61-2135. DRAINS MAY BE LAID ALONG ROADS AND RAILROADS; BUILDING AND KEEPING IN REPAIR.] Drains may be laid along, within the limits of, or across any public road. When so laid out and constructed or when any road shall be constructed along or across any drain, the board of county commissioners or board of township supervisors, as the case may be, shall keep the same open and free from all obstructions. A drain may be laid along any railroad when necessary, but not to the injury of such road, and when it shall be necessary to run a drain across a railroad, the railroad company, when notified by the board to do so, shall make the necessary opening through said road and shall build and keep in repair suitable culverts or bridges. A drain may be laid along any state or federal highway when necessary, but not to the injury of such highway, and when it shall be necessary to run a drain across such highway, the State Highway Department, when notified by the board to do so, shall make the necessary opening through said highway and shall build and keep in repair suitable culverts or bridges at its own expense.

Approved March 12, 1945.

CHAPTER 324

H. B. No. 50
Introduced by Representatives Halvorson, Halcrow and Bagge

FLOOD IRRIGATION FUNDS, TRANSFER

An Act Allowing a board of flood irrigation to transfer balance in sinking fund, after payment of bonded debt of the flood irrigation project to the maintenance fund of the project for maintenance expenses and payment of outstanding maintenance warrants of the project.

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

§ 1. The board of flood irrigation of any flood irrigation project shall have the right upon the payment of all of the bonded debt of the flood irrigation project, by resolution, to transfer any and all funds then remaining in the sinking fund of the project to the maintenance fund of the project for use in maintenance, repair and care, and for payment of outstanding and unpaid warrants issued for maintenance of the project.

§ 2. The county treasurer as custodian of the funds of any flood irrigation project, of any county in this State, shall upon receipt of a certified copy of a resolution of any board of flood irrigation, showing that all bonded debt of a flood irrigation project has been fully paid, transfer any and all funds then remaining in the sinking fund of the project to the maintenance fund of the project.

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

Approved February 20, 1945.

CHAPTER 325

H. B. No. 269

Introduced by Representatives Collette, Halcrow, Levin, Saumur, McInnes, Ohnstad, Pyle, Thompson of Richland, Luick, Johnson of Richland, Klefstad, Severson, Wollitz, Stanley, Bagge, Lillehaugen, and Gainor.

HIGHWAY DITCHES, METHOD OF CONSTRUCTION

An Act Providing that any and all highways constructed or reconstructed by the State Highway Department, the county commissioners, township supervisors or their contractors, sub-contractors or agents shall be so designed that the ditches of such highway or highways shall carry off water running into same so as to prevent overflow upon adjacent land.

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

§ 1. That any and all highways of any kind hereafter constructed or reconstructed by the State Highway Department, any board of county commissioners, any board of township supervisors, their contractors, sub-contractors or agents, or by any individual firm or corporation, shall be so designed as to permit the waters running into such ditches to drain into coulees, rivers and lakes according to the surface and terrain where such highway or highways are constructed in accordance with scientific highway construction and engineering so as to avoid the waters flowing into and accumulating in the ditches to overflow adjacent and adjoining lands. It is the intention of this act that in the construction of highways, as herein provided, the natural flow and drainage of surface waters shall not be obstructed, but that such water shall be permitted to follow the natural courses according to the surface and terrain of the particular terrain.

Approved March 12, 1945.

CHAPTER 326

H. B. No. 267

Introduced by Representatives Gainor, Lillehaugen, Halcrow, Levin, Saumur, McInnes, Ohnstad, Pyle, Collette, Thompson of Richland, Luick, Johnson of Richland, Klefstad, Severson and Wollitz.

LETTING CONTRACTS FOR DRAINS

An Act To amend and re-enact Section 61-2125 of the North Dakota Revised Code of 1943 as amended by Chapter 15 of the Special Session Laws of 1944 relating to letting of contracts by Board of Drain Commissioners, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 61-2125 of the North Dakota Revised Code of 1943 as amended by Chapter 15 of the Special Session Laws of 1944 is hereby amended and re-enacted to read as follows:

§ 61-2125. LETTING CONTRACTS FOR DRAINS; DEFERRING; PREFERENCE IN AWARDING.] At the time and place appointed the board of drain commissioners shall proceed to hear all complaints relative to such assessments, unless a hearing has already been had under the provisions of Sections 61-2120 and 61-2121, and correct and confirm the same. Such board shall then proceed to let contracts for the construction of the drain by divisions as it shall have divided the same, to the persons who will do the work according to the specifications, for the lowest price and give adequate security for the performance of the same within such time as the contract shall specify. Such board may adjourn such letting in whole or in part and from time to time to such other time and place, to be by it at the time of such adjournment publicly announced, as shall to it seem proper and it may reserve the right to reject any and all bids. The parties who are to be assessed for the construction of such drain and who may be bidders for contracts thereon shall, if equal bidders with other parties, be preferred in the awarding of such contracts; provided, that contracts for the building of bridges and culverts mentioned in Section 61-2136 may be deferred, until the construction of the drain has reached such a stage of completion that the character of the bridges and culverts which will be needed can be determined. As soon as the character of such bridges and culverts can be determined such board shall cause plans and specifications of the bridges and culverts to be constructed in connection with such drain to be prepared and shall give at least ten days' notice of the time and place when and where it will meet parties for the purpose of letting contracts for such construction. Such notice shall be published at least fifteen days prior to the date of the opening of the bids there-

under; such notice shall be published in some established newspaper of general circulation qualified to publish legal notices, and which is printed and published in the city or village or county where such work is located and also in some trade publication of general circulation among the contractors of the state. Such contracts shall be left to the lowest bidder as hereinbefore in this section provided, except that said board of drain commissioners may in their discretion reject any and all bids and enter into an agreement with any state or federal agency for the construction of drains, provided that such discretionary power in boards of drain commissioners shall expire on June 1, 1947 and that on and after June 1, 1947 such construction of drains can only be let by bid as hereinbefore in this section provided.

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

Approved March 12, 1945.

CHAPTER 327

H. B. No. 208
Introduced by Representatives Luick and Wollitz

NOTICE OF HEARING ON PETITION AND SURVEYOR'S REPORT

An Act To amend and re-enact Section 61-2114 of the North Dakota Revised Code of 1943, providing for notice of and hearing on petition and surveyor's report.

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

§ 1. AMENDMENT.] That Section 61-2114 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 61-2114. HEARING ON PETITION AND SURVEYOR'S REPORT; NOTICE OF.] Upon the filing of the surveyor's report provided for in Section 61-2113, the board shall fix a date and public place for hearing objections to the petition. Such place for hearing shall be in the vicinity of the proposed drain and shall be convenient and accessible for the majority of the landowners affected by such drain. At least ten days' notice of such hearing shall be given by causing a notice to be published at least once in the official newspaper of the

county in which such proposed drain is located. In addition, a notice shall be sent by registered mail to the post office address, as shown by the records of the Register of Deeds or County Treasurer of the county, of each owner of land which may be affected by the proposed drain. Notices of such hearing shall contain a copy of the petition and a statement of the date of filing of the surveyor's report and the date when the board will act upon the petition, and shall be signed by the members of the board or a majority thereof. All persons whose land may be affected by any such drain may appear before the board and may express fully their opinions and offer evidence upon the matters pertaining thereto.

Approved March 12, 1945.

CHAPTER 328

H. B. No. 101
Introduced by Representative Sellens

POWERS AND DUTIES, STATE WATER COMMISSION

An Act To amend and re-enact Section 61-0214 of the North Dakota Revised Code of 1943 relating to the powers of the State Water Conservation Commission.

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

§ 1. AMENDMENT.] That Section 61-0214 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted so as to read as follows:

61-0214. POWERS AND DUTIES OF THE COMMISSION.] The commission shall have full and complete power, authority, and general jurisdiction:

1. To investigate, plan, regulate, undertake, construct, establish, maintain, control, and supervise all works, dams, and projects, public and private, which in its judgment may be necessary or advisable:

a. To control the low-water flow of streams in the state;

b. To impound water for the improvement of municipal and rural water supplies;

c. To control and regulate flood flow in the streams of the state to minimize the damage of such flood waters;

d. To conserve and develop the waters within the natural water-shed areas of the state and, subject to vested and riparian rights, to divert the waters within water-shed area to another water-

shed area and the waters of any river, lake or stream into another river, lake or stream.

e. To improve the channels of the streams for more efficient transportation of the available water in the streams;

f. To provide sufficient water flow for the abatement of stream pollution;

g. To develop, restore and stabilize the waters of the state for domestic, agricultural and municipal needs, irrigation, flood control, recreation, and wildlife conservation, by the construction and maintenance of dams, reservoirs and diversion canals;

h. To promote the maintenance of existing drainage channels in good agricultural lands and to construct any needed channels;

i. To provide more satisfactory subsurface water supplies for the smaller villages of the state;

j. To finance the construction, establishment, and maintenance of public and private works, dams, and irrigation projects, which in its judgment may be necessary and advisable;

k. To provide for the storage, development, diversion, delivery, and distribution of water for the irrigation of agricultural land;

l. To provide for the drainage of lands injured by or susceptible of injury from excessive rainfall or from the utilization of irrigation water and, subject to the limitations prescribed by law, to aid and cooperate with the United States and any department, agency, or officer thereof, and with any county, township, drainage district or irrigation district of this state, or of other states, in the construction or improvement of such drains;

m. To provide water for stock; and

n. To provide water for the generation of electric power and for mining and manufacturing purposes;

2. To define, declare, and establish rules and regulations;

a. For the sale of waters and water rights to individuals, associations, corporations, and political subdivisions of the state, and for the delivery of water to users;

b. For the full and complete supervision, regulation, and control of the water supplies within the state; and

c. For the complete supervision and control of acts tending to pollute watercourses, for the protection of the health and safety of all the people of the state;

3. To exercise full power and control of the construction, operation, and maintenance of works and the collection of rates, charges, and revenues realized therefrom;

4. To sell, lease, and otherwise distribute all waters which may be developed, impounded, and diverted by the commission under the provisions of this chapter, for the purpose of irrigation, the development of power, and the watering of livestock, and for any other private or public use; and

5. To exercise all express and implied rights, power, and

authority, that may be necessary, and to do, perform, and carry out all of the expressed purposes of this chapter and all of the purposes reasonably implied incidentally thereto or lawfully connected therewith.

6. To acquire, own and develop lands for irrigation and water conservation and to acquire, own and develop dam sites and reservoir sites and to acquire easements and right-of-ways for diversion and distributing canals.

7. To cooperate with the United States and any department, agency or officer thereof in the planning, establishment and maintenance of dams, reservoirs, diversion and distributing canals, for the utilization of the waters of the state for domestic and municipal needs, irrigation, flood control, water conservation, generation of electric power and for mining, agricultural and manufacturing purposes, and in this connection the State Water Conservation Commission is hereby authorized, within the limitations prescribed by law, to acquire, convey, contribute or grant to the United States real and personal property, including land or easements for dams and reservoir sites and right-of-ways and easements for diversion and distribution canals.

Approved February 20, 1945.

CHAPTER 329

H. B. No. 218

Introduced by Representatives Collette, Halcrow, Levin, Saumur, McInnes, Ohnstad, Pyle, Thompson of Richland, Luick, Johnson of Richland, Klefstad, Severson, Wollitz, Bagge, Stanley, Gainor and Lillehaugen

REPAIRS OF DRAINS

An Act To amend and re-enact Section 61-2142 of the North Dakota Revised Code of 1943 as amended by Chapter 14 of the 1944 Special Session Laws relating to repairs of existing drains, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 61-2142 of the North Dakota Revised Code of 1943 as amended by Chapter 14 of the 1944 Special Session Laws is hereby amended and re-enacted to read as follows:

§ 61-2142. DRAIN KEPT OPEN AND IN REPAIR BY BOARD OF COUNTY COMMISSIONERS; COST OF.] All drains that may have been constructed under any law of this state, or that may be constructed

under the provisions of this chapter and situated in this state, shall, except as otherwise provided, be under the charge of the board of county commissioners and their successors in office and it shall be the mandatory duty of the board of county commissioners and their successors in office to keep said drain open and in good repair. In all cases when any completed drain is or may be situated in more than one county the care of the portion lying within any county is hereby assigned to the board of county commissioners of such county to be by it kept open and in repair. The cost of such keeping open and in repair shall in all cases be assessed, levied and collected in the same manner as is provided in this chapter for the construction of drains in the first instance, and in cases when no assessments of benefits shall have been made, the board of commissioners having charge of or to whose care such drain may be assigned shall make such assessments.

Provided that any work of cleaning out or repairing any drain, the cost of which said work is not in excess of $150.00 in any one year, may be done by day work or under contract therefor, which contract may be let without such work being advertised and the expense thereof shall be paid out of the county road and bridge fund.

Provided that the levy in any one year for cleaning out or repairing any drain shall not exceed a maximum of fifty cents per acre on any lands in such drain district. Provided further that the Board of County Commissioners may accumulate a fund for such purpose, but such fund shall not exceed the maximum levy allowable for one year.

Provided that all such cleaning out and repair shall be let by bids as provided by law except that the said Board of County Commissioners may in their discretion reject any and all bids and perform such work with county equipment or enter into an agreement with any State or Federal agency for such cleaning out and repair of drains. Provided that such discretionary power in the Board of County Commissioners shall expire on June 1, 1947 and that on and after June 1, 1947 such cleaning and repair can only be let by bids as provided by law. Provided that where such a county drain runs through or adjacent to an incorporated city or village, the governing body of such city or village is hereby authorized to contribute to the expense of cleaning such drain in such amount as may be agreed upon between such governing board and the county commissioners.

Provided, however, that if such levy and the funds accumulated in said drain fund shall not be sufficient for properly cleaning out or repairing such drains, the Board of County Commissioners may spend more than the above maximum limit as follows:

Sub-§ 1. Upon presentation to the Board of County Commissioners of a petition signed by property owners liable for 10% or more of the cost of such repair or improvement requesting the cleaning out and repair of an established drain, the Board of County

Commissioners shall forthwith give notice by registered mail, to all property owners interested in such drain of a hearing upon such petition at some convenient time and place.

Sub-§ 2. At such hearing after the purpose of the proposed improvement and repair has been explained, and the probable cost and all other pertinent information has been presented, the signers of such petition shall have the right to withdraw their names. Other owners of property within the drainage district shall at that time have the right to add their names to such petition at the time of the hearing or within twenty days thereafter, if they so desire.

Sub-§ 3. If, after ten days and within twenty days thereafter, petitions are signed containing the signatures of persons owning property which is liable for 51% or more of the cost of such repair or improvement, the Board of County Commissioners shall proceed in the regular way with such repair or improvement. If however, within twenty days after the hearing on the petition, property owners liable for 51% or more of the cost of such repair and improvements, have not signed such petition, then all action of such project shall be postponed for at least one year.

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

Approved March 10, 1945.

CHAPTER 330

H. B. No. 270

Introduced by Representatives Collette, Halcrow, Levin, Saumur, McInnes, Ohnstad, Pyle, Thompson of Richland, Luick, Johnson of Richland, Klefstad, Severson and Wollitz

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TOWNSHIP DITCHES, COST LIMIT

An Act To amend and re-enact Section 61-2206 of the North Dakota Revised Code of 1943, providing that a township ditch costing more than three thousand dollars shall not be constructed.

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

§ 1. AMENDMENT.] That Section 61-2206 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 61-2206. TOWNSHIP DITCH COSTING MORE THAN THREE THOUSAND DOLLARS NOT TO BE CONSTRUCTED.] No ditch which

shall cost the township more than three thousand dollars shall be constructed under the provisions of this chapter.

Approved March 16, 1945.

CHAPTER 331

S. B. No. 122
Introduced by Committee on Irrigation & Drainage

TRI STATE COMPACT RATIFICATION

An Act To Ratify and Approve the Compact between the States of Montana, North Dakota and Wyoming, Providing for an Equitable Apportionment of the Waters in the Yellowstone River Basin among said States.

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

§ 1. RATIFICATION OF COMPACT BETWEEN THE STATES OF MONTANA, NORTH DAKOTA AND WYOMING.] That the compact entered into between the states of Montana, North Dakota and Wyoming pursuant to an act of Congress of the United States of America, approved March 16, 1944 (Public No. 257, 78th Congress, Second Session), which was concluded and signed on the 18th day of December, 1944, at Billings, Montana, by the Commissioners for the states of Montana, North Dakota and Wyoming, respectively, acting under appointment by the Governors of said states, providing for an equitable apportionment of the waters in the Yellowstone River basin among said states and each and every part and article thereof is hereby ratified and approved by the Legislative Assembly of the State of North Dakota, which said compact is in words and figures, as follows:

YELLOWSTONE RIVER COMPACT. The State of Montana, the State of North Dakota, and the State of Wyoming, being moved by consideration of interstate comity, and desiring to remove all causes of present and future controversy between said States and between persons in one and persons in another with respect to the waters of the Yellowstone River and its tributaries, other than waters within or waters which contribute to the flow of streams within the Yellowstone National Park, and desiring to provide for an equitable division and apportionment of such waters, and to encourage the beneficial development and use thereof, have resolved to conclude a Compact as authorized under the Act of the Congress of the United States of America, approved March 16, 1944 (Public No. 257, 78th Congress, Second Session), for the attainment of these

purposes, and to that end, through their respective governments, have named as their respective Commissioners:

For the State of Montana: Fred E. Buck, W. E. Ogden, P. F. Leonard, H. W. Bunston, Wesley A. D'Ewart, E. E. Tiffany, D. M. Manning, Chester E. Onstad, Paul J. Hagan, Axel Persson;

For the State of North Dakota: J. J. Walsh, Kenneth W. Simons, Einar H. Dahl, M. M. Millhouse, Frank P. Whitney, John T. Tucker;

For the State of Wyoming: L. F. Thornton, John Gonin, Earl Bower, Ray Bower, R. E. McNally E. J. Johnson, Ernest J. Goppert, David G. Anderson, W. B. Snyder, Mark N. Partridge, L. C. Bishop, H. J. Paustian, W. R. Holt who, after negotiations participated in by Harold D. Comstock, appointed as the representative of the United States of America, have agreed upon the following articles, to-wit:

ARTICLE I. A. Where the name of a state is used in this Compact, as a party thereto, it shall be construed to include the individuals, corporations, partnerships, associations, districts, administrative departments, bureaus, political subdivisions, agencies, persons, permittees, appropriators, and all others using, claiming, or in any manner asserting any right to the use of the waters of the Yellowstone River System under the authority of said State.

B. Any individual, corporation, partnership, association, district, administrative department, bureau, political subdivision, agency, person, permittee, or appropriator authorized by or under the laws of a signatory State, and all others using, claiming, or in any manner asserting any right to the use of the waters of the Yellowstone River System under the authority of said State, shall be subject to the terms of this Compact. Where the singular is used in this article, it shall be construed to include the plural.

ARTICLE II. A. The State of Montana, the State of North Dakota, and the State of Wyoming are hereinafter designated as "Montana", "North Dakota", and "Wyoming", respectively.

B. The terms "Commission" and "Yellowstone River Compact Commission" mean the agency created as provided herein for the administration of this Compact.

C. The term "Yellowstone River Basin" means areas in Wyoming, Montana, and North Dakota drained by the Yellowstone River and its tributaries, and includes the area in Montana known as Lake Basin.

D The term "Yellowstone River System" means the Yellowstone River and all of its tributaries, including springs and swamps, from their sources to the mouth of the Yellowstone River near Buford, North Dakota, except those portions thereof which are

within or contribute to the flow of streams within the Yellowstone National Park.

E. The term "Tributary" means any stream which in a natural state contributes to the flow of the Yellowstone River, including interstate tributaries and tributaries thereof, but excluding those which are within or contribute to the flow of streams within the Yellowstone National Park.

F. The term "Interstate Tributaries" means the Clarks Fork, Yellowstone River; the Big Horn River; the Tongue River; and the Powder River; whose confluences with the Yellowstone River are respectively at or near the city (or town) of Laurel, Big Horn, Miles City, and Terry, all in the State of Montana.

G. The term "Point of Diversion" means the point or place at which water is taken or removed from the channel of the Yellowstone River or from any tributary thereof.

H. The terms "Divert" and "Diversion" mean the taking or removing of water from the Yellowstone River or any tributary thereof when the water so taken or removed is not returned directly into the channel of the Yellowstone River or of the tributary from which it is taken.

I. The term "Divertible Flow" means the quantity of water that could be diverted from the stream flow above a designated point of measurement during a specified period of time. It is comprised of three elements: (a) the total net inflow to storage; (b) the total diversions; and (c) the remaining flow in the stream at the designated point of measurement for which the divertible flow is being determined. It is computed as follows:

The algebraic sum of:

(a) the quantity of water (in acre-feet) that flowed into reservoirs situated above the point of measurement during the specified period of time; less the outflow and diversions made directly from reservoirs (in acre-feet) during the same period; plus

(b) The quantity of water (in acre-feet) that was diverted from the stream above the point of measurement (including diversions made directly from reservoirs) during the specified period of time; plus

(c) The quantity of water in the stream (in acre-feet) that flowed past the point of measurement for which divertible flows are being determined during the specified period of time.

J. The term "Mean Divertible Daily Flow" means the average divertible flow occurring during a twenty-four hour period, beginning at 12:00 midnight.

K. The term "Mean Daily Flow" at any point means the aver-

age stream flow occurring at that point during a twenty-four hour period, beginning at 12:00 midnight.

L. The term "Beneficial Use" is herein defined to be that use by which the water supply of a drainage basis is depleted when usefully employed by the activities of man, and includes water lost by evaporation, percolation, and other natural causes from streams, canals, ditches, irrigated areas, and reservoirs.

ARTICLE III. A. This Compact is entered into by each signatory State in the exercise of its sovereign powers for a governmental purpose, and its provisions shall be administered by a Commission, composed of one representative from each signatory State, to be known as the Yellowstone River Compact Commission. The State representatives on this Commission shall be selected in such manner as each signatory State shall choose. The State Engineer of each signatory State, or other similar official, shall be and act as the State representative on the Commission at all times when a vacancy may exist thereon either from failure to designate a method of selection or otherwise. The President of the United States shall be requested by the Commission to designate a representative of the United States to sit with such Commission, and such representative of the United States, if designated by the President, shall, when present, act as Chairman of the Commission without vote.

B. The salaries and necessary expenses of each State representative shall be paid by the respective State; all other expenses incident to the administration of this Compact not borne by the United States shall be allocated to and borne by each state as follows: One-fifth by the State of North Dakota; and two-fifths each by the States of Montana and Wyoming.

C. In addition to other powers and duties herein conferred upon the Commission and the members thereof, the jurisdiction of the Commission shall include the collection, correlation, and presentation of factual data, the maintenance of records having a bearing upon the administration of this Compact, and, by unanimous action, the making of recommendations to the respective States upon matters connected with the administration of this Compact. In connection with the performance of its duties hereunder, the Commission may employ such services and make such expenditures as may be reasonably necessary, within the limit of funds provided for that purpose by the respective States. The Commission shall compile a report for each year ending September 30th, and shall transmit it to the Governors of the signatory States on or before December 31st of that year.

D. The Secretary of War; the Secretary of the Interior; the Secretary of Agriculture; the Chairman, Federal Power Commission; the Chief, Federal Weather Bureau, or comparable officers of whatever Federal agencies may succeed to the functions and duties

of these agencies, and such other Federal officers and officers of appropriate agencies of the signatory States having services of data useful or necessary to the Compact Commission, shall cooperate, ex-officio, with the Commission in the execution of its duty in the collection, correlation, and publication of records and data necessary for the proper administration of the Compact; and these officers may perform such other services related to the Compact as may be mutually agreed on with the Commission.

E. The Commission shall have power to formulate rules of procedure, rules, and regulations, and to perform any and all acts it may find necessary to carry out the provisions of this Compact, and to prescribe, issue, make, amend, and rescind such order, rules and regulations. All rules of procedure, rules, and regulations of the Commission shall be filed in the Office of the State Engineer of each signatory State and shall be kept in a convenient form for public inspection and examination during reasonable business hours.

F. The Commission herein authorized shall have power to sue and be sued in its official capacity in any Federal Court of the Signatory States and may adopt and use an official seal which shall be judicially noticed.

ARTICLE IV. The Commission shall itself, or in conjunction with other responsible agencies, cause to be established, maintained, and operated such suitable water gaging and evaporation stations as it finds necessary in connection with its duties.

ARTICLE V. A. The States of Montana, North Dakota, and Wyoming hereby agree that the waters of the Yellowstone River and its interstate tributaries shall be apportioned among said States as follows:

1. CLARKS FORK, YELLOWSTONE RIVER

Each day, during the period May 1st to September 30th, inclusive, of each year, the first 1,600 acre-feet of mean divertible daily flow of the main stem of the Clarks Fork, Yellowstone River, determined immediately above the confluence of Rock Creek with Clarks Fork in Montana, shall be divided fourteen (14) per cent to Wyoming and eighty-six (86) per cent to Montana; however, either State may temporarily divert, consume, or store for its beneficial use any unused part of the above flow allotted to the other, but no continuing right to such unused flow shall be established thereby. Unappropriated divertible daily flows in excess of 1,600 acre-feet occurring during the period May 1st to September 30th, inclusive, of each year, and all presently unappropriated flows occurring during the period October 1st to April 30th, inclusive, shall be subject to future appropriation for beneficial use within the Yellowstone River Basin in Montana, North Dakota and Wyoming in accordance with the laws of said respective States.

2. Big Horn River (Exclusive of Little Horn River)

Each day during the period May 1st to September 30th, inclusive, of each year, after due consideration being given to all Indian-treaty-water rights of the lands in Wyoming and Montana served directly from the main stem of the Big Horn River, the first 15,000 acre-feet of mean divertible daily flow of the Big Horn River, determined at or near the Big Horn River Bridge on U. S. Highway 87 near Hardin, Montana, shall be divided ninety (90) percent to Wyoming and ten (10) per cent to Montana; and the next 15,000 acre-feet of mean divertible daily flow shall be divided ninety-three (93) per cent to Wyoming and seven (7) per cent to Montana; provided, however, that either State may temporarily divert, consume, or store for its beneficial use any unused part of the above flows allotted to the other, but no continuing right to such unused flows shall be established thereby. Subject to Indian-treaty-water rights, the unappropriated divertible daily flows in excess of 30,000 acre-feet occurring during the period May 1st to September 30th, inclusive, of each year, and all presently unappropriated flows occurring during the period October 1st to April 30th, inclusive, shall be subject to future appropriations for beneficial use within the Yellowstone River Basin in Montana, Wyoming and North Dakota in accordance with the laws of said respective States.

3. Tongue River

Each day during the period May 1st to September 30th, inclusive, of each year, the first 2,200 acre-feet of mean divertible daily flow of the Tongue River, determined at the lowest point of diversion on this stream, shall be divided seventy-two (72) per cent to Wyoming and twenty-eight (28) per cent to Montana; and the next 1,200 acre-feet of mean divertible daily flow shall be divided forty-three (43) per cent to Wyoming and fifty-seven (57) per cent to Montana: Provided, That either State may temporarily divert, consume, or store for its beneficial use any unused part of the above flows alloted to the other, but no continuing right to such unused flows shall be established thereby. Unappropriated divertible daily flows in excess of 3,400 acre-feet occurring during the period May 1st to September 30th, inclusive, and all presently unappropriated flows occurring during the period October 1st to April 30th, inclusive, of each year, shall be subject to future appropriation for beneficial use within the Yellowstone River Basin in Wyoming, Montana, and North Dakota in accordance with the laws of said respective States.

The provisions herein, and each of them, and in particular the allotments, and each of them, shall be subject to the following conditions:

(a) For the purpose of determining the engineering feasibility, particularly as to water supply, of any project or program of the United States for the further conservation and utilization

of the waters of the Tongue River, particularly the storage of waters in the State of Wyoming for beneficial use in that State, the allotments hereinabove made, and each of them, may be assumed as the measure of an equitable apportionment of the waters of the Tongue River between the States of Wyoming and Montana to satisfy, as of the date of this Compact, those established rights for beneficial consumptive uses which are exercised beneficially and which are valid under the laws of the States of Wyoming or Montana, as the case may be.

(b) Such provisions and allotments shall become operative either ten (10) years from and after the date that this Compact is ratified by the Congress; or on June 15 of the year in which water is available for release through any adequate distributary system, other than the stream bed, from the Tongue River Reservoir of the Montana Water Conservation Board for beneficial uses in Montana, the amount of water so released, however, shall be equal to at least one-half of the working capacity of such reservoir; or on June 15 of the year in which water is available for release through any adequate distributary system, other than the stream bed, if such be necessary, from any storage reservoir constructed in Wyoming to conserve for beneficial uses in Wyoming the waters of the Tongue River, the amount of water released, however, shall be equal to at least one-half of the working capacity of such reservoir; or whichever of said dates is the earlier.

4. POWDER RIVER (EXCLUSIVE OF LITTLE POWDER RIVER)

Each day during the period May 1st to September 30th, inclusive, of each year, the first 2,000 acre-feet of mean divertible daily flow of the Powder River, determined at the Wyoming-Montana State line, shall be divided ninety-six and one-half (96½) per cent to Wyoming and three and one-half (3½) per cent to Montana; Provided, That, when in the judgment of the Compact Commission the carriage loss in and through the stream bed depletes the divertible flow to such an extent that an unreasonable waste of water would result if Wyoming were regulated to produce such percentage to Montana, then such regulation shall be enforced only to the extent directed by the Commission. The next 2,600 acre-feet of mean divertible daily flow shall be divided sixty (60) per cent to Wyoming, and forty (40) per cent to Montana; however, either State may temporarily divert, consume, or store for beneficial use any unused part of the above flows allotted to the other, but no continuing right to such unused flows shall be established thereby. Unappropriated divertible daily flows in excess of 4,600 acre-feet occurring during the period May 1st to September 30th, inclusive, and all presently unappropriated flows occurring during the period October 1st to April 30th, inclusive, of each year, shall be subject to future appropriation for beneficial use within the Yellowstone River Basin

in Montana, Wyoming, and North Dakota in accordance with the laws of said respective States.

5. YELLOWSTONE RIVER—MAIN STEM (NEAR MONTANA-NORTH DAKOTA STATE LINE)

During the period May 1st to September 30th, inclusive, of each year, lands within the Yellowstone River Basin in Montana and in North Dakota below Intake, Montana, shall be entitled to the beneficial use of the available residual flow of the waters of the Yellowstone River below Intake, Montana, on a pro rata basis of acreage irrigated.

All residual flows of the Yellowstone River below Sidney, Montana, after the states of Montana and Wyoming have made, or may make, full beneficial use of the waters of said streams, is hereby allotted to the State of North Dakota.

B. From time to time following the consummation of this Compact, the Commission shall re-examine the allocations made under part "A" of this article and shall, after reaching unanimous agreement, make such modifications in these allotments as are fair, just and equitable, giving consideration among other factors to:

(a) priorities of water rights;
(b) acreage irrigated;
(c) acreage irrigable under existing works; and
(d) potentially irrigable lands.

Provided, That if the Commission should fail to reach unanimous agreement as to the modification of any allotment provided for in this article, then, as to the stream affected, the allotment then existing shall continue in full force and effect until unanimous agreement thereon be reached; and

Provided further, That changes and amendments that are substantive and are not modifications of allotments as herein provided shall be subject to Article XI.

C. The allocations made herein shall be exclusive of the use of the waters for domestic and stock use, and each signatory State shall be allowed unrestricted use for these purposes, except that no reservoir for such use shall exceed 20 acre-feet in capacity.

D. It is recognized that variable climatic conditions, stream flow regulation, the administration of the interstate tributaries in Wyoming and Montana, and other causes will produce diurnal and other unavoidable variations and fluctuations in the stream flows at the interstate measuring stations, and it is agreed that in the performance of provisions of part "A", of this article and subsequent modifications thereof, minor compensating irregularities and fluctuations in the flow shall be permitted; but where any deficiency of the mean daily flow at an interstate measuring station may be occasioned by neglect, error, or failure in the performance of the

duty of the upstream-state water officials having charge of the administration of the diversions from the stream, each such deficiency shall be made up within the next succeeding period of 72 hours by delivery of additional flow at the interstate measuring station over and above the amount allotted, sufficient to compensate for such deficiency. Notwithstanding the allocations of this Compact, the Commission, in its administration, shall direct the regulation of the streams within each of the signatory States to avoid unreasonable carriage losses.

ARTICLE VI. Present vested rights within each State and between States relating to the beneficial use of the waters of the Yellowstone River System are recognized by this Compact and shall be administered by the proper officials of the respective States. All rights to the beneficial use of the waters of the Yellowstone River System, heretofore and hereafter established under the laws of any signatory State, shall be satisfied solely from the portion of the water allotted to that State as provided in Article V. All Indian Treaty rights pertaining to the waters of the Yellowstone River Basin are unaffected by this Compact and are excluded therefrom.

ARTICLE VII. A. A lower signatory State shall have the right, by compliance with the laws of an upper signatory State, to file application for and receive permits to appropriate and use any waters in the Yellowstone River System not specifically apportioned to or appropriated by such upper State as provided in Article V; and to construct or participate in the construction and use of any dam, storage reservoir, or diversion works in such upper State for the purpose of conserving and regulating water that may be apportioned to or appropriated by the lower State, provided that such right is subject to the rights of the upper State to control, regulate, and use the water apportioned to and appropriated by it; and, provided further, that should an upper State elect, it may share in the use of any such facilities constructed by a lower State to the extent of its reasonable needs upon assuming or guaranteeing payment of its proportionate share of the cost of the construction, operation, and maintenance. This provision shall apply with equal force and effect to an upper State in the circumstance of the necessity of the acquisition of rights by an upper State in a lower State.

B. Each claim hereafter initiated for an appropriation of water in one signatory State for use in another signatory State shall be filed in the Office of the State Engineer of the signatory State in which the water is to be diverted, and a duplicate copy of the application including a map showing the character and location of the proposed facilities and the lands to be irrigated shall be filed in the Office of the State Engineer of the signatory State in which the water is to be used. If a portion or all the lands proposed to be reclaimed are located in a State other than the one in which the water is to be

diverted, then, before approval of the application shall be granted, said application shall be checked against the records of the appropriate office of the State in which the water is to be used, and a notation shall be placed thereon by the officer in charge of such records to the effect that the land description does not indicate a conflict with existing water rights. All endorsements shall be placed on both the original and duplicate copies of all such maps filed, to the end that the records in both States may be complete and identical.

C. Appropriations may hereafter be adjudicated in the State in which the water is diverted, and where a portion or all of the lands irrigated are in another signatory State, such adjudications shall be confirmed in that State by the proper authority. Each adjudication is to conform with the laws of the State where the water is diverted and shall be recorded in the County and State where the water is used.

ARTICLE VIII. A lower signatory State shall have the right, upon compliance with the laws of an upper signatory State, to acquire in such upper State by purchase, or through exercise of the power of eminent domain, such easements and rights of way for the construction, operation, and maintenance of pumping plants, storage reservoirs, canals, conduits, and appurtenant works as may be required for the enjoyment of the privileges granted herein to such lower State. This provision shall apply with equal force and effect to an upper State in the circumstance of the necessity of the acquisition of rights by an upper State in a lower State.

ARTICLE IX. Should any facilities be constructed by a lower signatory State in an upper signatory State under the provisions of Article VII, the construction, operation, repairs, and replacements of such facilities shall be subject to the laws of the upper State. This provision shall apply with equal force and effect to an upper State in the circumstance of the necessity of the acquisition of rights by an upper State in a lower State.

ARTICLE X. In the event water from another drainage basin shall be imported into the Yellowstone River Basin, or transferred from one tributary basin to another by the United States, Montana, North Dakota, or Wyoming, or any of them jointly, the State having the right to the use of such water shall be given proper credit therefor in determining its share of the divertible flows apportioned in accordance with Article V herein.

ARTICLE XI. The provisions of this Compact shall remain in full force and effect until amended in the same manner as it is required to be ratified to become operative as provided in Article XVII.

ARTICLE XII. No action taken by the Compact Commission

shall be valid except by the unanimous consent of the Commissioners representing the signatory States.

ARTICLE XIII. This Compact may be terminated at any time by unanimous consent to the signatory States, and upon such termination all rights then established hereunder shall continue unimpaired.

ARTICLE XIV. Nothing in this Compact shall be construed to limit or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, in any Federal Court of the United States Supreme Court, for the protection of any right under this Compact or the enforcement of any of its provisions.

ARTICLE XV. Nothing in this Compact shall be construed as affecting any rights to the use of the waters of the Big Horn or Wind River and the Little Horn River and their tributaries, existing by virtue of Indian treaties.

ARTICLE XVI. The physical and other conditions characteristic of the Yellowstone River and peculiar to the territory drained and served thereby and to the development thereof, have actuated the signatory States in the consummation of this Compact, and none of them, nor the United States by its consent and approval, concedes thereby the establishment of any general principle or precedent with respect to other interstate streams.

ARTICLE XVII. This Compact shall become operative when approved by the Legislature of each of the signatory States and consented to and approved by the Congress of the United States.

ARTICLE XVIII. Nothing in this Compact shall be deemed:

(a) To impair or affect any rights or powers of the United States, its agencies, or instrumentalities, in and to the use of the waters of the Yellowstone River Basin nor its capacity to acquire rights in and to the use of said waters;

(b) To subject any property of the United States, its agencies, or instrumentalities to taxation by any State or subdivision thereof, nor to create an obligation on the part of the United States, its agencies, or instrumentalities, by reason of the acquisition, construction, or operation of any property or works of whatsoever kind, to make any payments to any State or political subdivision thereof, State agency, municipality, or entity whatsoever in reimbursement for the loss of taxes;

(c) To subject any property of the United States, its agencies, or instrumentalities, to the laws of any State to an extent other than the extent to which these laws would apply without regard to the Compact.

ARTICLE XIX. Should a Court of competent jurisdiction hold

any part of this Compact to be contrary to the constitution of any signatory State or of the United States, all other severable provisions of this Compact shall continue in full force and effect.

IN WITNESS WHEREOF the Commissioners have signed this Compact in quadruplicate original, one of which shall be filed in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the Governor of each signatory State.

Done at the City of Billings in the State of Montana, this 18th day of December, in the year of Our Lord, One Thousand Nine Hundred and Forty-Four.

Commissioners for the State of Montana:

Fred E. Buck, W. E. Ogden, P. F. Leonard, H. W. Bunston, Wesley A. D'Ewart, E. E. Tiffany, D. M. Manning, Chester E. Onstad, Paul Hagan, Axel Persson.

Commissioners for the State of North Dakota:

J. J. Walsh, Kenneth W. Simons, Einar H. Dahl, M. M. Millhouse, Frank P. Whitney, John T. Tucker.

Commissioners for the State of Wyoming:

L. F. Thornton, John Gonin, Earl Bower, Ray Bower, Ernest J. Goppert, David Anderson, W. B. Snyder, Mark N. Partridge, L. C. Bishop, W. R. Holt.

"I have participated in the negotiation of this Compact and intend to report favorably thereon to the Congress of the United States.

Harold D. Comstock
Representative of the United States of America"

§ 2. COMPACT NOT BINDING ON STATES UNTIL APPROVED BY THE OTHER STATES.] That said compact shall not bind any of the signatry States thereto unless and until the same shall have been approved by the legislature of each of the signatory States, and the Congress of the United States shall have given its consent thereto and approval thereof.

§ 3. GOVERNOR TO GIVE NOTICE OF RATIFICATION.] That the Governor of the State of North Dakota shall notify the Governor of the State of Montana and the Governor of the State of Wyoming and the President of the United States of America of the passage of this act, and the President is requested to notify the Governors of each of said States of the consent to and the approval of said compact by the Congress of the United States.

Approved March 17, 1945.

CHAPTER 332

H. B. No. 268

Introduced by Representatives Bagge, Halcrow, Wollitz, Collette, Ohnstad, Thompson of Richland, Pyle, and Luick

VOTING AT TOWNSHIP MEETING FOR DRAINAGE DITCHES

An Act To amend and reenact Section 61-2202 of the North Dakota Revised Code of 1943 providing for voting at township meeting for drainage ditches; and providing a method of payment.

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

§ 1. AMENDMENT.] That Section 61-2202 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-2202. VOTING AT TOWNSHIP MEETING FOR DRAINAGE DITCHES; VOTE IN FAVOR.] If at the meeting provided for in Section 61-2201, it is made to appear that such drainage ditch is necessary and desirable and that the same will not cost more than three thousand dollars, the question shall be submitted to a vote of the electors present. If a majority of such votes shall be in favor of the construction of such drainage ditch, the supervisors shall proceed to have the same constructed with all reasonable dispatch, and the cost thereof shall be paid out of the funds of the township, or a special levy may be made therefore.

Approved March 14, 1945.

WEEDS

CHAPTER 333

H. B. No. 228

Introduced by Representatives Halvorson, Bolmeier, Dalzell, Devlin and Monson

NOXIOUS WEEDS; DESTRUCTION BY COUNTY BOARDS

An Act Authorizing the county commissioners, in an emergency, to destroy noxious weeds on private property at the expense of the county; declaring an emergency.

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

§ 1. When in the judgment of the county commissioners a public emergency shall exist and it shall be deemed necessary in

the public interests to destroy noxious weeds, as the same are defined by the laws of the State of North Dakota, said county commissioners, in their discretion may cause the same to be done and the expense thereof shall be paid out of the general funds of the county, provided, however, that not to exceed the sum of Three Thousand Dollars ($3000.00) shall be spent for such purpose in any one year.

§ 2. In the event the county commissioners shall fail or refuse to declare an emergency and destroy such noxious weeds, as provided for in Section 1, hereof, 25% of the freeholders living in said county may sign and file with the county auditor a petition requesting that such weeds be destroyed at county expense, and it shall then be the duty of the county commissioners forthwith to take the necessary action for the destruction of said noxious weeds at county expense; provided, however, that not to exceed the sum of Three Thousand Dollars ($3000.00) shall be spent for such purposes in any one year.

§ 3. EMERGENCY.] Whereas several of the counties in this state have become infected with noxious weeds to the extent that the situation creates a serious problem this act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1945.

CHAPTER 334

H. B. No. 258
Introduced by Representatives Devlin, Halvorson & Dalzell

WEED CUTTING TOWNSHIP HIGHWAYS

An Act Providing for cutting of weeds and grasses by owners of land adjoining regularly traveled township highways as designated by the board of township supervisors in organized townships and the Board of County Commissioners in unorganized townships, charging the expense of cutting such weeds to adjoining owners failing to cut such weeds, excepting from the provisions of this act county, state and Federal highways; repealing all laws and parts of laws in conflict herewith.

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

§ 1. From and after the passage and approval of this act, it shall be the duty of land owners, owning land adjoining regularly traveled township highways as designated by the township board of supervisors in organized townships and the Board of County Commissioners in unorganized townships, to cut and destroy all weeds and grasses along such regularly traveled highways ad-

joining their lands; such cutting shall be done not later than the tenth day of July of each year.

§ 2. If any land owner shall fail to cut the weeds and grasses along such highways as designated herein, it shall be the duty of the township board of supervisors of such organized townships and Board of County Commissioners in unorganized townships, to cause such weeds and grasses to be cut not later than the first day of October of each year, and the expense of cutting such weeds and grasses in each organized township shall be certified to the county auditor by the clerk thereof and all of such charges in organized and unorganized townships shall be charged against the land of the land owner thus failing to cut such weeds and grasses and shall become a part of the taxes to be levied against such land for the ensuing year and shall be collected in the same manner as other real estate taxes are now collected, and placed to the credit of the respective subdivisions entitled thereto. This act shall not apply to any county, state and Federal highways.

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

Approved March 9, 1945.

CHAPTER 335

H. B. No. 185
Introduced by Representatives Ohnstad and Pyle

WEEDS DECLARED PUBLIC NUISANCE IN CITIES AND VILLAGES

An Act Authorizing the governing body of any incorporated city or village to declare the growth of weeds on private property within the limits of such city or village a public nuisance, and providing for the cutting thereof, and declaring an emergency.

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

§ 1. NUISANCE ON PRIVATE PROPERTY.] Where weeds are permitted to grow on any lot, piece or parcel of real property privately owned within the limits of any incorporated city or village the governing body thereof may by resolution declare the same a public nuisance and may give notice to the owner of such property in writing, by personal service, or by registered mail addressed to the owner at his post office address as shown on the records in the office of the County Treasurer, to cut such weeds within ten days from date of such notice; provided, however, that such notice shall

not be given more than twice in any one year, to-wit: Once between the 15th day of June and the 15th day of July and once between the 1st day of September and the 1st day of October. In the event that such owner fails to cause such weeds to be so cut as hereinbefore provided, the governing body of any such city or village shall cause the same to be cut and the cost thereof shall be borne by the owner of such property.

§ 2. COST TO BE ASSESSED AGAINST PROPERTY.] Upon the completion of such cutting by the governing body, it shall be the duty of the City Auditor or village clerk, as the case may be, to certify to the County Auditor the amount which shall be assessed against each lot or parcel of land for the cutting of such weeds, and it shall be the duty of the County Auditor to spread the same against the respective lots or parcels in the same manner in which special assessments are spread. Such assessments shall become a lien upon such property, and shall be collected at the same time and in the same manner as special taxes are collected.

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

Approved March 9, 1945.

WEIGHTS, MEASURES, AND GRADES

CHAPTER 336

S. B. No. 150
Introduced by Senator Bridston

STANDARD WEIGHTS OF CONTAINERS FOR CERTAIN CEREALS

An Act To fix the standard weight of containers for wheat and corn flours, corn meals, hominy, and hominy grits; and to provide penalties for the violation of this act and repealing all acts or parts of acts in conflict herewith.

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

§ 1. It shall be unlawful for any person, partnership, corporation, company, cooperative society, or organization to pack for sale, sell, offer or expose for sale in this State any of the following commodities except in containers of net avoirdupois weights of two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred

(100) pounds, and multiples of one hundred (100) pounds: Wheat flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meals, hominy and hominy grits; provided, however, that the provisions of this Act shall not apply to (a) the retailing of flours, meals, hominy and hominy grits direct to the consumer from bulk stock, or (b) the sale of flours and meals to commercial bakers or blenders or for export in containers of more than one hundred (100) pounds, (c) flours, meals, hominy and hominy grits packed in cartons the net contents of which are less than five (5) pounds, or (d) the exchange of wheat for flour by mills grinding for toll.

§ 2. Any violation of this Act shall constitute a misdemeanor and upon conviction, the offender shall be fined not less than twenty-five ($25.00) dollars nor more than five hundred ($500.00) dollars for each offense.

§ 3. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 2, 1945.

WORKMEN'S COMPENSATION

CHAPTER 337

S. B. No. 38
Introduced by Senator Stucke and Senator Rue

AMENDMENT WORKMEN'S COMPENSATION ACT

An Act Amending and re-enacting the Workmen's Compensation Act by amending and re-enacting subsections 4 and 13 of 65-0102, of the North Dakota Revised Code of 1943, relating to the definitions of hazardous employment and child; Section 65-0509, of the North Dakota Revised Code of 1943, relating to permanent total disability and making said provision thereof retroactive; Section 65-0510, of the North Dakota Revised Code of 1943, relating to weekly compensation; Section 65-0511, of the North Dakota Revised Code of 1943, relating to weekly compensation for total disability; Section 65-0513 of the North Dakota Revised Code of 1943, relating to schedule of specific benefits; subsection 6 of 65-0517, of the North Dakota Revised Code of 1943, relating to weekly wages of deceased employee; Section 65-0525, of the North Dakota Revised Code of 1943, relating to lump sum settlements; Section 65-0526, of the North Dakota Revised Code of 1943, relating to burial expenses; Section 65-1001, of the North Dakota Revised Code of 1943, relating to participation in the fund by claimant and making the same retroactive.

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

§ 1. AMENDMENT.] That subsections 4 and 13 of 65-0102, of the North Dakota Revised Code of 1943, are hereby amended and re-enacted to read as follows:

65-0102, subsection 4. "Hazardous employment" shall mean any employment in which one or more employees are employed regularly in the same business or in or about the establishment except:

a. Agriculture or domestic service; or
b. Any employment or a common carrier by steam railroad; or
c. Any employment for the transportation of property or persons by non-residents, where, in such transportation, the highways are not traveled more than seven miles and return over the same route within the State of North Dakota.

Subsection 13. "Child" shall include a stepchild, adopted child, posthumous child, foster child, and acknowledged illegitimate child, but shall not include a married child unless he actually is dependent;

§ 2. AMENDMENT.] That Section 65-0509 of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

65-0509. TOTAL DISABILITY; WEEKLY AND AGGREGATE COMPENSATION.] If the injury causes temporary or permanent total disability, the fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent of his weekly wage. Provided that the provisions herein relating to permanent total disability shall be retroactive. In case of temporary total disability, there shall be paid to such disabled employee an additional sum of two dollars per week for each dependent child under the age of eighteen years, and for each child over eighteen years incapable of self support as elsewhere defined in this title. In no event shall the total weekly payment to said disabled employee exceed the sum of thirty dollars per week.

§ 3. AMENDMENT.] That Section 65-0510, of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

65-0510. TEMPORARY PARTIAL DISABILITY; WEEKLY COMPENSATION.] If the injury causes temporary partial disability the fund shall pay to the disabled employee during such disability a weekly compensation to be fixed by the Bureau.

§ 4. AMENDMENT.] That Section 65-0511, of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

65-0511. MAXIMUM AND MINIMUM COMPENSATION ALLOWANCES; TOTAL AND PARTIAL DISABILITY.] The weekly compensation for total disability shall not be more than twenty dollars, except as provided elsewhere in this Act, nor less than nine dollars. The weekly compensation for partial disability shall not be more than twenty dollars. If the injured person, at the time of the injury, was a minor or was employed in a learner's capacity, and was not physically or mentally defective, the bureau from time to time, shall determine the probable increase in weekly earning capacity of such person if such injury had not occurred, and shall base its award for compensation upon such probable weekly wage-earning capacity.

§ 5. AMENDMENT.] That Section 65-0513, of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

65-0513. SCHEDULED INJURIES; PERMANENT LOSS OF MEMBER; WEEKLY COMPENSATION; TIME COMPENSATION PAYABLE.] If the injury causes the loss of a member, the fund shall pay to the disabled employee a weekly compensation equal to sixty-six and two-thirds percent of his weekly wages for the following periods:

1. For loss of arm at shoulder_____234 weeks;
2. For loss of arm at or above elbow_____213.5 weeks;
3. For loss of hand at or above wrist_____195 weeks;

4. For loss of thumb---------- 60 weeks;
5. For loss of second or distal phalange of thumb-- 25 weeks;
6. For loss of first finger---------- 35 weeks;
7. For loss of middle or second phalange of first finger ---------- 25 weeks;
8. For loss of third or distal phalange of first finger 20 weeks;
9. For loss of second finger---------- 25 weeks;
10. For loss of middle or second phalange of second finger ---------- 20 weeks;
11. For loss of third or distal phalange of second finger ---------- 12 weeks;
12. For loss of third finger---------- 18 weeks;
13. For loss of middle or second phalange of third finger ---------- 14 weeks;
14. For loss of third or distal phalange of third finger 8 weeks;
15. For loss of fourth finger---------- 16 weeks;
16. For loss of middle or second phalange of fourth finger ---------- 12 weeks;
17. For loss of third or distal phalange of fourth finger 6 weeks;
18. For loss of leg at hip----------234 weeks;
19. For loss of leg at or above knee----------195 weeks;
20. For loss of foot at or above ankle----------136.5 weeks;
21. For loss of great toe---------- 25 weeks;
22. For loss of second or distal phalange of great toe 15 weeks;
23. For loss of any other toe---------- 10 weeks;
24. For loss of middle or second phalange of any other toe ---------- 8 weeks;
25. For loss of third or distal phalange of any other toe 5 weeks;
26. For loss of an eye----------100 weeks;
27. For loss of hearing in one ear---------- 29.25 weeks;
28. For loss of hearing in both ears----------156 weeks;
29. In no case will the amount received for more than one finger exceed the amount provided in this schedule for loss of a hand;
30. For the loss of the metacarpal bone, (bones of the palm), for the corresponding thumb, finger, or fingers as above, add ten weeks to the number of weeks above;
31. Loss of use. Permanent loss of use of thumb, finger, toe, arm, hand, foot, leg, or eye shall be considered as the equivalent of the loss of such thumb, finger, toe, arm, hand, foot, leg, or eye, and that compensation for partial loss of use of said parts be allowed on a percentage basis; that 25% additional be allowed where it involves compensation for the following:
    a. Loss of use of the master hand or any member of members thereof; and/or
    b. Loss of use on a percentage basis of the master hand or any member or members thereof; and/or

c. Amputation of the master hand or any member or members thereof;

32. The loss of any part of a phalange is equal to the loss of the entire phalange.

If any employee dies, the right of any compensation, payable under section 65-0512 of this section, unpaid at the date of his death shall survive and pass to his dependents, which dependents shall be limited to the surviving spouse, minor children, and parents.

§ 6. AMENDMENT.] That subsection 6 of 65-0517 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted to read as follows:

65-0517, subsection 6. To a brother, sister, grandparent, or grandchild who is wholly dependent upon the deceased employee for support at the time of his death, twenty percent; if more than one are wholly dependent, thirty percent, divided among such dependents, share and share alike; if none of them are wholly dependent but one or more are partly dependent, ten percent divided among such dependents, share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent, there shall be paid only such part of the foregoing percentages that, when added to the total percentages payable to the widow, widower, children, and dependent parents, the sum shall not exceed a total of sixty-six and two-thirds percent. The compensation of each such beneficiary shall be paid for a period of eight years from the time of the death of the employee unless before that time, he, if a grandparent, dies, remarries, or ceases to be dependent, or if a brother, a sister, or grandchild, dies, marries, or reaches the age of eighteen years, or if over eighteen years of age and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his guardian.

The weekly wages of the deceased employee shall be considered to have been not more than thirty-five dollars, and not less than twenty-five dollars. The increase in payments resulting from the enlargement of the salary base shall be payable to all pensioners and dependents but only from and after the taking effect of this Act.

§ 7. AMENDMENT.] That Section 65-0525, of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

65-0525. LUMP SUM SETTLEMENT; GRANTED IN DISCRETION OF BUREAU; HOW COMPUTED.] In case of death or of permanent total or permanent partial disability, the bureau, if it determines that it is for the best interest of the beneficiary, may pay to such beneficiary a lump sum equal to the present value of all future

payments of compensation computed at two and one-half percent discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality. In case of compensation to the widow or widower of a deceased employee, the lump sum shall not exceed compensation for four hundred sixteen weeks and the probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded. If at the expiration of the period for which lump sum settlement was made hereunder, the beneficiary is still alive and has not remarried, the bureau, in its discretion, may again assume liability and resume pension payments. The bureau may also grant a partial lump sum settlement, based upon the same computations as the complete lump sum.

§ 8. AMENDMENT.] That Section 65-0526, of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

65-0526. BUREAU BURIAL EXPENSES.] If death results from an injury within six years, the fund shall pay to the personal representatives of the deceased employee burial expenses not to exceed two hundred fifty dollars.

§ 9. AMENDMENT.] That Section 65-1001, of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

65-1001. APPEAL: RIGHT OF; HOW TAKEN.] If the final action of the bureau denies the right of the claimant to participate at all in the fund on the ground that the injury was self-inflicted, or on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the claimant's right, the claimant may appeal to the district court of the county wherein the injury was inflicted. Provided, that the payment of doctor, hospital and medical bills by the bureau shall not be deemed, for the purpose of this section, a participation in the Fund by the claimant. And provided further that his amendment shall be retroactive. An appeal involving injuries received under insurance provided under contracts with extra-territorial coverage shall be triable in the district court of Burleigh County. Such appeal shall be taken in the manner provided in Chapter 32 of the title Judicial Procedure, Civil. In such a proceeding, the state's attorney of the county wherein the appeal is taken, without additional compensation, shall represent the bureau. The clerk of court of the county within which the appeal is taken shall notify the state's attorney of the filing of such appeal.

Approved February 27, 1945.

CHAPTER 338

H. B. No. 44
Introduced by Representative Fitch

WORKMEN'S COMPENSATION ACT AMENDMENTS

An Act Providing for the payment of premiums by employers, the determination of premiums and providing for premium receipts and certificates to be mailed and providing that employers furnish payroll information to the Workmen's Compensation Bureau, and the determination of status and report of actual and estimated payrolls, and providing that bonuses and increased overtime payments shall not be included in payrolls, amending and re-enacting Sections 65-0404 and 65-0405 of the Revised Code of 1943, providing that this Act shall be retroactive to October 1, 1943, providing for refunds of overpayment of premium since October 1, 1943, and declaring an emergency.

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

§ 1. Sec. 65-0404 of the Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 65-0404. EMPLOYERS OBLIGATED TO PAY PREMIUMS: DETERMINATION OF PREMIUMS: PREMIUM RECEIPTS AND CERTIFICATES TO BE MAILED.] Each employer subject to the provisions of this title shall pay into the fund annually the amount of premium determined and fixed by the bureau for the employment or occupation of such employer, which amount shall be determined by the classifications, rules, and rates made and published by the bureau and shall be based on a proportion of the annual expenditure of money by such employer for the service of persons subject to the provisions of this title, but such annual expenditure of money shall not include bonuses or increased payments for overtime. A receipt or certificate specifying that such payment has been made shall be mailed to such employer by the bureau immediately after such payment is made, and such receipt or certificate, attested by the seal of the bureau, shall be prima facie evidence of the payment of the premium. The bureau may make provisions so that premiums of various employers fall due on different dates to the end that the business of the bureau may be distributed as evenly as possible throughout the year.

§ 2. That Section 65-0405 of the Revised Code of 1943 is hereby amended and re-enacted to read as follows:

§ 65-0405. EMPLOYER TO FURNISH PAY ROLL INFORMATION TO BUREAU: DETERMINATION OF STATUS: REPORT OF ACTUAL AND ESTIMATED PAY ROLLS.] Every employer shall furnish the bureau upon request with the information required by it to carry out the purpose of this title. If the bureau finds that any person, firm,

private or public corporation, or any public service corporation, either within or without the State of North Dakota, is an employer within the meaning of this title, it shall determine the date when he or it became such, which finding and determination, for all the purposes of this title, shall be prima facie but not conclusive evidence thereof. The bureau forthwith shall give notice of said action to the employer who immediately thereafter shall furnish the bureau with a pay roll report covering the period included in said finding, not exceeding twelve months immediately preceding the date of such finding, together with an estimated pay roll for twelve months next succeeding from the date of such finding, provided that such pay roll reports shall not include payments made for bonuses or increased payments for overtime, and shall comply with all provisions of this title.

§ 3. This Act, providing that bonuses and increased payments for overtime shall not be included in the pay rolls used for the computation of premiums by the Workmen's Compensation Bureau, shall be and is hereby declared to be retroactive to October 1, 1943, and the Workmen's Compensation Bureau is hereby authorized to refund any portions of premiums paid by any employer since October 1, 1943, based on that part of a pay roll comprised of bonus payments or increased payments for overtime and such refund shall be made upon the application of the employer made within one year from the effective date of this Act, and upon such showing as may be deemed sufficient by the Workmen's Compensation Bureau, and that such funds shall be paid from the same fund and in the same manner as disability claims against the Workmen's Compensation Fund.

§ 4. 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 14, 1945.

INITIATED MEASURES

Approved

CHAPTER 339

STATE HIGHWAY REVENUE ANTICIPATION CERTIFICATES

An Act To secure for the state of North Dakota the benefits of federal funds and grants in aid of the construction and reconstruction of public highways and bridges, including feeder highways and bridges, authorizing the state highway department to prepare a highway construction program to be financed by the issuance and sale, in the name of the state highway department, of state highway revenue anticipation certificates in an aggregate amount not exceeding $12,360,000.00 par value, bearing interest at not more than three per cent per annum, payable semi-annually, providing for the sale of such certificates at not less than par and accrued interest, subject to call, authorizing the purchase thereof and investment therein by the Bank of North Dakota, state banks, public officers, boards, bureaus and institutions, and the acceptance thereof as security for public deposits, directing the payment of the proceeds of such sale into the state highway special construction fund hereby created and the use thereof in effecting the said highway construction program, providing for the retirement of such certificates in twenty annual installments, imposing a one cent per gallon motor vehicle fuel tax upon all dealers in motor vehicle fuels, excepting only motor vehicle fuels sold and used solely for agricultural and industrial purposes, creating the state highway revenue anticipation certificate retirement fund into which the said motor vehicle fuel tax shall be paid, authorizing the transfer into such fund from the state highway fund of such amounts, not exceeding $250,000.00 in any one year, as may be required to meet any deficit resulting from the retirement of said certificates, and pledging and appropriating such fund for the payment of said certificates, prescribing penalties for the violation of any provision of this act, providing a safety clause to the effect that if any part of this act shall be found invalid it shall be presumed that the act would have been enacted without such invalid section, and providing for the repeal of Chapter 263, of the Session Laws of 1943.

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

§ 1. The people of the State of North Dakota hereby declare that to enable the state to participate in and receive the full benefits of federal funds now available, and to be made available, by acts of congress in force, and to be enacted, in the form of grants to the state in aid of the construction and reconstruction of public highways and bridges within this state, including feeder highways and bridges, and especially to enable the state of North Dakota to participate in the benefits of the post-war public highways construction program of the federal government, and in order to prevent unem-

ployment and public relief of unemployed and to provide employment for returning members of the military and naval forces and other citizens of the state who shall be in need of employment, the state highway department, as now or hereafter constituted, shall be, and is hereby, authorized and directed to prepare and provide a plan and program for the construction and reconstruction of public highways and bridges within this state to be financed in part by the issuance and sale of "state highway revenue anticipation certificates," as hereinafter provided. Such program and method of financing to be in addition to, and supplemental of, the construction, reconstruction, maintenance and repair of public highways and bridges authorized and being carried on by said state highway department under existing laws; and the power and authority given the state highway department herein shall be in addition to and not in derogation of the powers and authority now vested in the state highway commissioner or the state highway department under any existing law or constitutional amendment now in force or hereafter enacted.

§ 2. For the purposes aforesaid the state highway department, as now or hereafter constituted, is authorized and fully empowered to do all acts authorized by this law or necessary to carry into effect the provisions hereof; provided, that nothing in this act contained shall be so construed as to authorize or permit the state highway department, or any officer or agency of the state, to create any state debt, or to incur any obligation of any kind or nature except such as shall be payable solely from the motor vehicle fuel tax hereinafter imposed and from revenues accruing to the state highway fund from excise taxes allocated to, and appropriated for, the construction, reconstruction and maintenance of public highways, including the retirement of obligations for the payment of which such revenues are pledged, as directed and required by section 186, as amended, and article 56 of amendments to the constitution of North Dakota, and chapter 169, laws of North Dakota for 1939, and other laws relating to the imposition, collection and use of such excise taxes now in force or amendments thereto. It shall be plainly stated upon the face of each certificate that it is issued under the provisions of this act and that it does not constitute an indebtedness of the state within the meaning of any constitutional provision or limitation.

§ 3. After the state highway department shall have prepared the plan and program for the construction and reconstruction of public highways and bridges, as directed in section 1 of this act, and has determined the amount that will be required to pay the state's share of the estimated cost of such construction and reconstruction program, the state highway commissioner is authorized and directed, with the approval of the governor, to prepare and issue said state highway revenue anticipation certificates in a total aggregate amount not exceeding twelve million three hundred sixty

thousand dollars ($12,360,000.00) par value, in form as hereinafter provided.

§ 4. Said certificates shall be negotiable instruments and shall be issued in serial form, numbered consecutively, shall mature serially in such annual amounts as may be determined in anticipation of the revenues pledged for their payment, commencing one year from date of issue, and the last installment to mature not more than twenty (20) years from date of issue, shall bear interest at a rate not exceeding three per cent. (3%) per annum, payable semi-annually, shall be issued in denominations of one thousand dollars ($1,000.00), or multiples thereof, the total amount of said certificates to be issued in any fiscal year not to exceed the sum of six million dollars ($6,000,000.00) face amount, and the total aggregate amount of the certificates to be issued not to exceed the sum of twelve million three hundred sixty thousand dollars ($12,360,00.00) face amount. The principal and interest of said certificates shall be exempt from all taxes, shall be payable to bearer, unless registered with the state treasurer in the name of the owner, and in that case to the registered owner, and shall be payable at the office of the state treasurer at Bismarck, North Dakota at maturity, unless called for payment before maturity. Said certificates may have attached thereto coupons evidencing the semi-annual interest payable thereon. In the event funds are available for the redemption of the whole or any part of an annual installment or installments of said certificates, in addition to the annual installment maturing and payable in the current year, the state highway commissioner may call for payment on any interest date and in advance of maturity at par or at call price or prices as the certificates may provide, the whole or any portion of any annual installment or installments then outstanding by publishing notice of such call once and not less than sixty days prior to the call date in a newspaper of general circulation published in each of the cities of Bismarck and Fargo, North Dakota, Minneapolis, Minnesota, Chicago, Illinois and New York City, New York, and the certificates so called for payment shall become due and payable on the call date specified in said notice and shall cease to bear interest thereafter. Said certificates shall be executed in the name of the state highway department, and shall be signed by the governor, the state highway commissioner and the state treasurer and shall have endorsed thereon a certificate signed by the state auditor and secretary of state to the effect that the same are issued pursuant to the authority of this act and are payable solely from revenues pledged for their payment, as stated in this act, and that no indebtedness is incurred by the state by the issuance thereof. The state treasurer shall keep a register of all certificates issued, showing, among other things, the date of issue, the serial number, the denomination, the maturity date, the name of the registered owner, if any, and the date the certificate is redeemed and paid.

He shall endorse his certificate upon each state highway revenue anticipation certificate issued that it is registered in his office. In case any of the officers whose signatures appear on said certificates or the interest coupons attached thereto shall cease to be such officers before delivery of such certificates, such signatures shall nevertheless be valid and sufficient for all purposes with the same force and effect as if they had remained in office until such delivery.

§ 5. Said certificates shall be negotiated and sold by the governor, the state treasurer and the state highway commissioner to the highest and best bidder for cash at not less than par and accrued interest, and at such times and in such amounts, subject to the limitations herein provided, as may be authorized by the state highway department by resolution to be entered of record in the minutes of said department and approved by the governor. The governor, state treasurer and state highway commissioner shall cause public notice of the terms and conditions and time and place of such sale to be given by publication once in a newspaper of general circulation published at each of the cities of Bismarck and Fargo, North Dakota, Minneapolis, Minnesota, Chicago, Illinois and New York City, New York, the sale to be made not less than fifteen (15) days after such publication, provided that the governor, state treasurer and state highway commissioner shall have the right to reject any or all bids and to readvertise the sale of the certificates not sold. Such certificates, or any part of any series thereof, may at any time be sold to and purchased by the Bank of North Dakota, or any public official, board, bureau, institution or agency of the state or of any county or municipality in this state at par and accrued interest and without advertising for bids as herein provided, and certificates held by them, or any of them, may be called for payment, as provided in section 4 hereof, upon thirty (30) days notice by mail and without publishing the notice of such call, as provided in said section, and such certificates so called for payment shall cease to bear interest thirty (30) days after the mailing of such notice.

§ 6. All public officials, boards, bureaus and institutions, state, county and municipal in this state, having the custody of public funds for investment, are hereby authorized to invest such funds in said state highway revenue anticipation certificates. Said certificates are also hereby declared to be legal investments for assets of the Bank of North Dakota and all other banks organized under the laws of this state.

§ 7. Said certificates may be accepted at par value by all public officials of the state of North Dakota as security for the repayment of all deposits of public moneys of the state and of any county, municipality or public institution thereof and as security for the faithful performance of any obligation or duty to guarantee the

performance of which such officials are now authorized by law to accept deposits of the bonds of this state and of the United States of America.

§ 8. All monies realized upon the negotiation and sale of said certificates shall be placed by the state treasurer in and credited to a fund hereby created to be known as "state highway special construction fund", and the same are hereby appropriated and shall be used and expended only for the construction and reconstruction of such highways and bridges as may come within the purview and restrictions of the acts of congress and amendments thereto now in force or hereafter enacted, granting federal aid for the construction and reconstruction of federal, state and feeder highways and bridges within this state and for the matching of such federal funds and grants in such proportion and manner as is now or may hereafter be provided in said acts of congress and as shall have been determined by the state highway department, with the approval of the governor, at the time of authorizing the issuance of said certificates, as hereinbefore provided, but the validity of said certificate in the hands of any holder shall not be affected in any manner by the character, amount of use of such Federal aid moneys or with the continuance thereof, nor by the failure to conform with the provisions of this paragraph.

§ 9. For the purpose of providing funds for the payment of the semi-annual interest and the redemption of said certificates as the same become payable, there is hereby imposed on dealers in motor vehicle fuels, a special motor vehicle fuel license tax of one cent (1¢) per gallon on all motor vehicle fuels used and sold in the state of North Dakota; which tax shall be separate and apart from and in addition to any license tax or other tax imposed upon or applicable to motor vehicle fuels or dealers therein under the laws of this state, and said additional one cent (1¢) per gallon tax shall be in addition to and over and above the three cent (3¢) tax now imposed and assessed by the initiated measure approved June 30, 1926, and amendments thereof and acts supplementary thereto, known as "Motor Vehicle Fuel Tax Law", provided, however, that said additional one cent (1¢) per gallon tax shall not be imposed upon or applicable to motor vehicle fuels sold in this state to be used solely for agricultural and industrial purposes and said motor vehicle fuels so sold to be used solely for agricultural and industrial purposes shall be tax exempt, as is provided by chapter 147 of the 1939 session laws of the state of North Dakota, and amendments thereto, or any law hereafter enacted.

§ 10. Said additional one cent (1¢) per gallon tax shall be paid by every dealer in motor vehicle fuels as defined and provided in the said initiated measure approved June 30, 1926, and the amendments thereto and said additional one cent (1¢) per gallon

tax shall be paid in the manner, at the times and to the officer specified in said initiated measure and amendments thereto, and all definitions of terms and methods of procedure for assessment and collection and other general provisions by context applicable hereto now contained and provided in said initiated measure and all future amendments thereto shall apply and hereby are made applicable to the special license tax imposed under the terms and provisions of this act.

§ 11. Every dealer paying the additional one cent (1¢) per gallon special motor vehicle fuel license tax herein imposed or liable for the payment thereof shall be entitled to charge and collect the sum of one cent (1¢) per gallon on such motor vehicle fuels sold by him as a part of the selling price thereof.

§ 12. Any dealer, person or association, firm or corporation liable to account for and pay said one cent (1¢) per gallon tax who shall violate any of the provisions of this act or who shall make any false statement or report required by this act or who shall fail or neglect to pay the one cent (1¢) per gallon additional special motor vehicle fuel license tax herein imposed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500.00) or be imprisoned in the county jail for not more than ninety days (90), or both such fine and imprisonment.

§ 13. In the event that this act shall be approved and shall take effect and the one cent (1¢) additional motor vehicle fuel tax shall become collectible hereunder, chapter 263, Laws of 1943, immediately upon such taking effect, shall be, and, in such event is, hereby repealed.

§ 14. There is hereby created a special fund to be used solely for the payment and retirement of the certificates authorized and to be issued under the provisions of this act and the payment of the interest to accrue upon said certificates, said special fund to be known as "state highway revenue anticipation certificate retirement fund", into which fund the state treasurer shall pay or transfer all monies derived from said one cent (1¢) motor vehicle fuel tax and all monies directed by this act to be transferred thereto from the state highway fund.

§ 15. In the event the amount to the credit of said state highway revenue anticipation certificate retirement fund at any time shall be insufficient to pay the semi-annual interest and pay and retire the principal of said certificates, as they fall due and mature, there is hereby appropriated so much of the funds allocated and appropriated by the constitution and laws of this state for the construction, reconstruction and maintenance of public highways then credited to the state highway fund as may be necessary to meet such

deficit in the state highway revenue anticipation certificate retirement fund, not exceeding, however, the sum of two hundred fifty thousand dollars ($250,000.00) in any one year, which amount so appropriated shall thereupon be transferred by the state treasurer to said state highway revenue anticipation certificate retirement fund and used for the payment of such interest and the retirement of the principal of said certificates so maturing.

§ 16. The total proceeds of said special license tax of one cent (1¢) per gallon and any monies transferred to said state highway revenue anticipation certificate retirement fund from the state highway fund, as herein provided, are hereby appropriated and allocated without any deduction for administrative costs whatever and shall be expended only for the payment of the interest to accrue upon said certificates and the payment of the principal and the retirement of said certificates as the same mature or become payable.

§ 17. The total proceeds of said one cent (1¢) per gallon motor vehicle fuel tax and any monies transferred or to be transferred under Section 15 hereof from the state highway fund to said state highway revenue anticipation certificate retirement fund are hereby irrevocably pledged for the payment of the principal and interest of said certificates, and so long as any of said certificates remain outstanding and unpaid, the laws imposing said taxes shall not be repealed nor shall the same be altered or amended by reducing the amount or the requirement for the collection, disposition and use of said taxes, as herein and in the laws imposing said taxes provided. When there are sufficient funds in said state highway revenue anticipation certificate retirement fund to retire all outstanding and unpaid certificates said tax shall cease and terminate.

§ 18. If any section, paragraph, sentence, part or provision of this act shall be found by any court to be invalid, it shall be conclusively presumed that this act would have been passed and enacted by the people without such invalid section, paragraph, sentence, part or provision.

Approved November 7, 1944. 128,421 to 48,255.

INITIATED MEASURES

Disapproved

REPEAL STATE INCOME TAX LAWS

An Act To Repeal Sections 2346a1 to 2346a50 of the 1925 Supplement to the Compiled Laws of 1913; Chapters 239 and 240, Laws of 1929; Chapter 283 and 284, Laws of 1931; Chapter 253, Laws of 1933; Chapter 271, Laws of 1935; Chapter 241, Laws of 1937; Chapter 228, Laws of 1939; Chapter 278, Laws of 1941; and Chapters 255, 256, and 257, Laws of 1943, and all other laws imposing an income tax within the State of North Dakota, and to provide for the refund of taxes paid upon 1943 income.

Disapproved June 27, 1944. 60,355 to 50,378

RESTRICTIONS SALE OF LIQUOR

An Act Prohibiting the sale, gift, or consumption of alcoholic beverages in any establishment within the State of North Dakota where there is sold any commodity other than tobacco, tobacco products, and soft drinks; defining alcoholic beverages; making it unlawful to maintain connecting archways or doorways between establishments where alcoholic beverages are sold and other places of business; and repealing conflicting acts.

Disapproved November 7, 1944. 97,058 to 94,071

CONSTITUTIONAL AMENDMENTS

Approved

ARTICLE 58
SALE OF SCHOOL AND PUBLIC LANDS

§ 1. AMENDMENT.] That Section 158 of Article 9 of the Constitution of the State of North Dakota, as amended by Article 13 of the Amendments thereof, as further amended by Article 50 of the amendments thereof, is hereby amended and re-enacted to read as follows:

§ 158. No original grant school or institutional land shall be sold for less than the fair market value thereof, and in no case for less than ten dollars ($10.00) per acre, provided that when lands have been sold on contract and the contract has been cancelled, such lands may be resold without reappraisement by the board of appraisal. The purchaser shall pay twenty (20) per cent of the purchase price at the time the contract is executed; thereafter annual payments shall be made of not less than six (6) per cent of the original purchase price. An amount equal to not less than three (3) per cent per annum of the unpaid principal shall be credited to interest and the balance shall be applied as payment on principal as credit on purchase price. The purchaser may pay all or any installment or installments not yet due to any interest paying date. If the purchaser so desires, he may pay the entire balance due on his contract with interest to date of payment at any time and he will then be entitled to proper conveyance.

All sales shall be held at the county seat of the county in which the land to be sold is situated, and shall be at public auction and to the highest bidder, and notice of such sale shall be published once each week for a period of three weeks prior to the day of sale in a legal newspaper published nearest the land and in the newspaper designated for the publication of the official proceedings and legal notices within the county in which said land is situated.

No grant or patent for such lands shall issue until payment is made for the same; provided that the land contracted to be sold by the State shall be subject to taxation from the date of the contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, the contract of sale for such land shall, if the Board of University and School Lands so determine, by it, be declared null and void. No contract of sale heretofore made under the provisions of said Section 158 of the Constitution as then providing shall be affected by

this amendment, except prepayment of principal may be made as herein provided.

Any of said lands that may be required for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, air plane landing fields, fair grounds, public highways, railroad right-of-way, or other railroad uses and purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches, drainage ditches, or for any of the purposes for which private lands may be taken under the right of eminent domain under the Constitution and Laws of this state, may be sold under the provisions of this Article, and shall be paid for in full at the time of sale, or at any time thereafter as herein provided. Any of said lands and any other lands controlled by the Board of University and School Lands, may, with the approval of said Board, be exchanged for lands of the United States, the State of North Dakota or any county or municipality thereof as the Legislature may provide, and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject, and the State shall reserve all mineral and water power rights in lands so transferred.

When any of said lands have been heretofore or may be hereafter sold on contract, and the purchaser or his heirs or assigns is unable to pay in full for the land purchased within twenty years after the date of purchase and such contract is in default and subject to being declared null and void as by law provided, the Board of University and School Lands may, after declaring such contract null and void, resell the land described in such contract to such purchaser, his heirs or assigns, for the amount of the unpaid principal, together with interest thereon reckoned to the date of such resale at the rate of not less than three (3%) per cent, but in no case shall the resale price be more than the original sale price; such contract of resale shall be upon the terms herein provided, provided this section shall be deemed self-executing insofar as the provisions for resale herein made are concerned.

Approved June 27, 1944. 56,033 to 48,641

CONSTITUTIONAL AMENDMENTS

Disapproved

STATE EQUALIZATION FUND

Submitted by the Twenty-eighth Session of the Legislative Assembly of the State of North Dakota, being House Concurrent Resolution No. G (Chapter 101, Session Laws 1943)

A Concurrent Resolution providing for the Amendment of the Constitution of the State of North Dakota, creating a State Equalization Fund, and providing for a State tax levy for school purposes.

Disapproved June 27, 1944. 61,200 to 47,026

LEGISLATIVE PAY

Submitted by the Twenty-Eighth Session of the Legislative Assembly of the State of North Dakota, Being House Concurrent Resolution No. X, (Chapter 98, Session Laws 1943)

Providing for the Amendment of Section 45 of the Constitution of North Dakota.

Disapproved November 7, 1944. 86,340 to 85,212

MUNICIPAL LIQUOR STORES

Submitted by the Twenty-Eighth Session of the Legislative Assembly of the State of North Dakota, being House Concurrent Resolution No. 0, (Chapter 99, Session Laws 1943)

A Concurrent Resolution for an Amendment to the Constitution of the State of North Dakota Permitting Liquor Stores.

Disapproved November 7, 1944. 100,726 to 85,874

RESOLUTIONS

House Concurrent Resolution P—(Introduced by Representatives Wolf of McIntosh and McInnes)

AUTHORIZING PAY FOR PRINTING NAMES ON CODE

A Concurrent Resolution Authorizing Imprinting the Name of the Member of the Legislative Assembly and the name of the Legislative Committee upon the Distributed Copies of the North Dakota Revised Code of 1943, and as a Legislative Expense.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, there has been distributed to the members of the legislative assembly, the North Dakota Revised Code of 1943, and

WHEREAS, there has been distributed and furnished copies of the North Dakota Revised Code of 1943 to the Committees of the legislative assembly, and

WHEREAS, to the protection of the State of North Dakota and to the members of the legislative assembly, the distributed North Dakota Revised Code of 1943 should be properly identified by imprinting the owner's name thereon,

NOW THEREFORE, BE IT RESOLVED that imprinting the name of the legislative member and the legislative committee upon the distributed copies of the North Dakota Revised Code of 1943 be authorized and directed and be paid as an item of Legislative Expense.

Filed March 3, 1945.

Senate Resolution No. 4—(Introduced by Senator Kehoe)

AUTHORIZING SUBPOENAS ERICKSON IMPEACHMENT CASE

Be It Resolved by the Senate of the State of North Dakota:

That the Secretary and/or the President of the Senate is hereby authorized and empowered at any time during recess, to issue subpoenas for witnesses to appear before the Senate sitting as a High Court of Impeachment in the matter of the impeachment of Oscar E. Erickson, Commissioner of Insurance of the State of North Dakota, and for the production of records before such court; and that such subpoenas may issue upon the application of its counsel

selected by the Board of Managers, or upon the application of the party impeached or his counsel.

Filed March 6, 1945.

House Memorial Resolution 4—(Introduced by Representatives Haag, Schmidt of Logan, and Wolf of McIntosh)

JACOB BITTNER

WHEREAS, God in His wisdom has seen fit to summon to eternal rest, His servant and our former colleague, the late Jacob Bittner, who passed to his reward on January 12, 1944; and

WHEREAS, Jacob Bittner served as a highly respected member of the House of Representatives of the North Dakota Legislative Assembly, during the 1929 and 1931 sessions; and

WHEREAS, Jacob Bittner in public and in private life, was unselfishly devoted to the service of his fellowmen and the people of this State, and his every act was characterized by foresighted wisdom and loyalty to his community and his State; and

WHEREAS, his passing is a severe loss to his community and to his State, and a cause for personal grief to his former associates in the House of Representatives of the State of North Dakota,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Twenty-ninth Legislative Assembly of the State of North Dakota, that we express our sincere sympathy to the family of our former colleague and to the members of his community;

BE IT FURTHER RESOLVED that this resolution be printed in the Journal of the House of Representatives, and that a copy thereof be mailed by the Chief Clerk to Mrs. Jacob Bittner, 845 South School Street, in Lodi, California.

Filed March 5, 1945.

House Memorial Resolution 3—(Presented by Representatives Blair, Saumur and Allen of Grand Forks)

KEITH L. BOULDEN

WHEREAS, Keith L. Boulden was called to his eternal reward on January 27, 1945 while serving in the House of Representatives of the 29th Legislative Assembly; and

WHEREAS, Keith L. Boulden was born at Montfort, Wisconsin, October 18, 1879, was educated there in the public schools and as a young man moved with his parents to Walnut Grove, Minnesota, where he was married in 1902 to Miss Fanny Swoffer and in the same year he and his bride moved to Logan Center Township, Grand Forks County, North Dakota, where he farmed until 1923 when he and his family moved to Moraine Township Grand Forks County, where he lived the rest of his life; and

WHEREAS, he was first elected to the North Dakota House of Representatives in 1938 serving as a representative of the 5th legislative district in the sessions of 1939, 1941, 1943 and at the 1945 session until illness forced him into the hospital; and

WHEREAS, he leaves his wife, Fanny Swoffer Boulden, a son, Alfred S. Boulden, and two daughters, Mrs. Peter W. Peterson and Mrs. Herbert D. Welte; and

WHEREAS, Keith L. Boulden was an able legislator, a highly respected citizen of his community, a loyal friend and a great believer in good government.

THEREFORE, BE IT RESOLVED, by the House of Representatives of the State of North Dakota that we express our heartfelt appreciation for the valuable services rendered by our distinguished citizen; and that we express our keen sorrow at his passing; and

BE IT FURTHER RESOLVED, that the passing of Keith L. Boulden is a severe loss to the State of North Dakota, to Grand Forks county and to his home community.

BE IT FURTHER RESOLVED, by the House of Representatives of the 29th Legislative Assembly of the State of North Dakota, that the sincerest appreciation of the loyal and devoted service of this distinguished citizen be thus formally expressed.

BE IT FURTHER RESOLVED, That this resolution be printed in the House Journal and that the Chief Clerk be instructed to send properly executed copies to his wife at Larimore; R. S. Boulden, Vancouver, Washington; Francis W. Boulden, Portland, Oregon; Miss May Boulden, Portland, Oregon; Mrs. H. D. Welte, New Britain, Connecticut; Mrs. P. W. Peterson, Aneta, North Dakota;

Alfred S. Boulden, Larimore, North Dakota; Albert C. Knight, Walker, Minnesota; W. A. Swoffer, Walnut Grove, Minnesota.

Filed March 5, 1945.

Senate Concurrent Resolution No. 15—(Introduced by Senators Bridston, O'Brien and Morgan)

CAR SHORTAGE, POTATO GROWERS

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, a serious situation is facing the potato growers of the State of North Dakota in that hundreds of thousands of bushels of certified seed potatoes having been ordered by potato growers in the southern states, among them Louisiana, Oklahoma, Georgia, Idaho and other states, and

WHEREAS, the planting season in those states is at hand, and

WHEREAS, an acute car shortage has developed, making it impossible for the potato growers of the State to make shipments to fill orders for certified seed potatoes to growers in the southern states, referred to herein, and

WHEREAS, the potato growers of this State are faced with tremendous losses due to sprouting and spoilage of certified seed and table stock, and unless cars are made available immediately for the shipment of potatoes out of the State and filling of orders for potato growers in other states, as well as for potatoes for food purposes, such shortage of potatoes for seed as well as for food will interfere most seriously with the war effort of the United States,

THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota, the House of Representatives Concurring herein:

That the Agricultural Adjustment Administration of the United States; the Interstate Commerce Commission; the Department of Agriculture and Labor of the United States; the War Food Administration of the states of Louisiana, Oklahoma, Georgia, Idaho and other southern states, our Representatives in Congress, and the President of the United States be urged to use every effort possible to relieve the car shortage so as to enable the potato growers of this State to make shipments as stated herein, and thus not only prevent further serious losses to the potato growers of the State, but also to assist materially in the war effort of the United States by making food production possible for civilians as well as the Armed Forces of the United States, and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by wire immediately by the Secretary of the Senate to the Agricultural Adjustment Administration of the United States; the Interstate Commerce Commission; the Department of Agriculture and Labor of the United States; the War Food Administration of the states of Louisiana, Oklahoma, Georgia, Idaho and other southern states, our Representatives in Congress, and the President of the United States.

Filed February 28, 1945.

House Concurrent Resolution No. Q—(Introduced by Representatives Wolf of McIntosh and McInnes)

CODES TO LEGISLATIVE MEMBERS

A Concurrent resolution authorizing the Secretary of State to Supply North Dakota Revised Code of 1943, Free of Charge, to New Members of the 29th Legislative Assembly.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the North Dakota Revised Code of 1943 is and has been published and is ready for distribution by the Secretary of State, and there has been delivered to the members of the 28th Legislative Assembly a free copy, and

WHEREAS, there are now a number of new legislative members in this assembly, who have not received a free copy of said North Dakota Revised Code of 1943, and

WHEREAS, the Secretary of State has sufficient copies left to supply these new members,

NOW THEREFORE, BE IT RESOLVED, That the Secretary of State hereby is authorized to deliver free of charge to each newly elected member of the 29th Legislative Assembly a copy of the North Dakota Revised Code of 1943.

Filed February 20, 1945.

House Concurrent Resolution V—(Introduced by Representatives Brady and Fitch)

COLONIZATION FOR JEWISH PEOPLE

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the Nazi persecution and wholesale slaughter of Jews in Europe have outraged the conscience of the civilized world and have vastly aggravated the tragedy of the Jewish problem there, and

WHEREAS, at the end of the present War large numbers of European Jews will find themselves in desperate need for a new home where they can rebuild their lives in dignity and security, and

WHEREAS, after World War I, Great Britain had accepted at the instance of the Allied and Associated Powers the Mandate for Palestine and had undertaken "to facilitate the establishment of a Jewish National Home in Palestine," an undertaking subsequently approved by fifty-two nations, including the United States, and

WHEREAS, this policy was concurred in by a Joint Resolution unanimously adopted by both Houses of the Congress of the United States on June 30, 1922, and

WHEREAS, the Democratic and the Republican Party in their National Conventions of 1944, adopted platforms in favor of the re-establishment of Palestine as a free and democratic Jewish Commonwealth, and

WHEREAS, the President of the United States on October 15, 1944, expressed his approval of this aim which he stated to be "in accord with the traditional American policy and in keeping with the spirit of the Four Freedoms;"

NOW THEREFORE BE IT RESOLVED, that we of the State of North Dakota express our profound sympathy with the millions of innocent victims of the enemy's ruthless extermination policy, and that we demand just punishment of all those who perpetrated these horrible crimes against humanity, and

BE IT FURTHER RESOLVED, that the United States should take appropriate measures to the end that Palestine should be opened for free immigration and unrestricted colonization so that the Jewish people may rebuild their ancestral homeland as a free and democratic Jewish Commonwealth, and

BE IT FURTHER RESOLVED, that copies of this Resolution should be forwarded to the President, the Secretary of State, the Senate and the House of Representatives of the United States of America.

Filed February 28, 1945.

House of Representatives Joint Memorial Resolution — (Presented by Committee on Joint Memorial Resolutions)

DECEASED MEMBERS

WHEREAS, the following members of the North Dakota House of Representatives: Representative J. E. Bass of the 43rd legislative district; served 1913-15; Representative Mark Chatfield of the 29th legislative district, served 1909; Representative George Piercy of the 23rd legislative district, served 1905; B. G. Tenneson of the 9th legislative district, served 1917; L. L. Twichell of the 9th legislative district, served 1913-44; Representative Tobias D. Casey of the 4th legislative district, served 1905-07; Representative Fred Schurr of the 28th legislative district, served 1923-37; Representative William Pleasance of the 1st legislative district, served 1917-19; Representative E. F. Gilbert of the 10th legislative district, served 1903-05; Representative Fay Harding of the 26th legislative district, served 1917-21; Representative J. D. Root of the 25th legislative district, served 1921-25; Representative Ole O. Moen of the 8th legislative district, served 1919; Representative James H. Sinclair of the 2nd legislative district, served 1915-17; Representative Fred Underwood of the 14th legislative district, served 1903-05; Representative J. W. Bailey of the 48th legislative district, served 1935-37; Representative A. L. Maxwell of the 46th legislative district, served 1917-21; Representative Einar Lohrbauer of the 24th legislative district, served 1935; Representative J. L. Gorder of the 28th legislative district, served 1911; Representative Leonas Myers of the 33rd legislative district, served 1937-43; Representative Nels Olsgaard of the 37th legislative district, served 1911-13 and 1919-21; Representative J. A. T. Bjornson of the 24th legislative district, served 1901 and 1911-13; Representative A. E. Jones of the 14th legislative district, served 1907; Representative E. E. Iverson of the 16th legislative district, served 1923-27 and 1931; Representative L. J. Zimmer of the 6th legislative district, served 1889-90; Representative Dr. Charles L. McLaughlin of the 22nd legislative district, served 1895; Representative O. C. Olson of the 49th legislative district, served 1931-37; Representative Nels Tanberg of the 5th legislative district, served 1889-90; Representative William Wick of the 5th legislative district, served 1937; Representative R. H. Walker of the 48th legislative district, served 1919-23; Representative Peder L. Hjelmstad of the 3rd legislative district, served 1913-15; Representative Keith L. Boulden of the 5th legislative district, served 1939-45; Representative John F. Zimmerman of the 31st legislative district, served 1925-29; and Representative Jacob Bittner of the 36th legislative district, served 1929-31; have gone to their final reward since the 28th Legislative Assembly.

WHEREAS, These public servants contributed a great deal to the

welfare of their respective communities and State; born, some in this country and some abroad, they all gave their utmost in a common cause for the betterment and preservation of the American way of life;

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the Twenty-Ninth Legislative Assembly of the State of North Dakota, that in this time of war and its attendant stresses, we pause in our deliberations to pay tribute to their revered memory, and in behalf of the people of North Dakota to show our deep gratitude for their devoted service in this State; as they consecrated themselves to a great service, let us carry on the task which they have begun;

BE IT FURTHER RESOLVED, That for the perpetuation of record, this token of respect and sympathy by their successors in trust be printed in the Journal of the House; and let duly enrolled copies be presented to the surviving families of these deceased representatives.

Filed March 5, 1945.

House Concurrent Resolution No. A — (Introduced by Representatives Ostgulen, Hofstrand, Langley, and Leet)

DRAFTING FARM HELP

Be It Resolved by the House of Representatives of the State of North Dakota, and the Senate concurring, that Whereas North Dakota is an Agricultural State, and

WHEREAS, it is absolutely essential for the best interests of the people of the United States and of the State of North Dakota that maximum and uninterrupted production of all agricultural crops ordinarily raised and grown in the State of North Dakota be obtained during the period of World War II, and

WHEREAS, to produce and harvest a crop in North Dakota and to otherwise engage in other agricultural pursuits to the maximum capacity of the farmers of this State, it is absolutely necessary that they have adequate help on the farms of this State, and

WHEREAS, it now appears to be the policy of Selective Service to further draft and induct into the service of the United States farm boys that are essential to the operation of the farms of the State of North Dakota, and to enable its farmers to produce the maximum amount of crops and to properly harvest and care for them, and in other ways to engage in agricultural pursuits,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the members of the House of Representative and the Senate do hereby urge and request that the drafting of essential farm help in the State of North Dakota be kept at a minimum, and that no farm boys or farm help be drafted or inducted into the service of the United States where the same will materially reduce the possibility of the farmers involved from operating their farm units to their maximum capacity, and

BE IT FURTHER RESOLVED, that the Director of Selective Service be apprised of the action of the Twenty-Ninth Legislative Assembly by the adoption of this resolution, and that a copy be forwarded to him, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the entire congressional delegation from the State of North Dakota.

Filed February 7, 1945.

House Concurrent Resolution D — (Introduced by Representatives Haugen, Schwartz, Moe and Skaar)

ENGINEERING STANDARDS FEDERAL HIGHWAYS

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the present standards established by the Federal Bureau of Public Roads are of a character which make it impossible for counties within the state to avail themselves of Federal funds set aside for the purpose of constructing farm-to-market and feeder roads, and

WHEREAS, many counties of the state have large sums of money invested in modern road-building equipment and are now building roads sufficient to meet their requirements insofar as their funds will permit and under limitation of the contract system of construction of Federal assisted farm-to-market roads this investment could not be utilized.

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate concurring, that the Commissioner of Public Roads of the Federal Government be urged to establish more liberal, and lower and less exacting engineering standards so as to make it possible for counties in this state to partici-

pate in the grant of Federal funds heretofore made available under the provisions of U. S. Senate Bill 2105, and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Federal Commissioner of Public Roads, and that a copy be sent to the North Dakota Representatives and Senators in the United States Congress.

Filed February 28, 1945.

House Concurrent Resolution DD — (Introduced by Representatives Stormon and Forseth)

FARM MACHINERY

A Concurrent Resolution Memorializing the Director of the War Production Board with reference to the furnishing of materials for the manufacture of farm machinery.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the members of the Twenty-ninth Legislative Assembly of the State of North Dakota, mindful of the crying need for additional farm machinery, for tractors, and other necessary farm implements needed in the production of supplies, food and fibre essential for the successful prosecution of the war effort and for the maintenance of the civilian population of the nation, and being cognizant that only through this agency can relief be obtained and be made available, and

WHEREAS, it is common knowledge that tractors and other agricultural equipment, now in the hands of the producers of food in the nation, are so worn out that it is absolutely essential that a large per cent of it be replaced with new equipment.

NOW, THEREFORE, BE IT RESOLVED That we memorialize, petition and urge the Director of the War Production Board to allocate such materials so as to make it possible for the manufacture of tractors and farm implements and so in part fulfill the needs that are so urgent in the operation of agriculture, that all other machinery manufactured and not used which can be used for agricultural purposes be released to farmers.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives in Congress for incorporation in the Congressional Record, and to the Director of the War Production Board and to the Senators and Representatives of the State of North Dakota.

Filed March 5, 1945.

House Joint Resolution No. 1—(Introduced by Delayed Bills Committee)

FREE DISTRIBUTION 1943 CODE

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Joining Therein:

WHEREAS, the North Dakota Revised Code of 1943 is and has been published and there has been delivered to the members of the 28th Legislative Assembly a free copy, and

WHEREAS, several members of said Assembly have died prior to the distribution of the same, namely Representative L. L. Twichell, Representative K. L. Boulden, Representative Leonas Myers and Senator W. H. Porter

NOW, THEREFORE, BE IT RESOLVED that the Secretary of State, on behalf of each of said deceased member and in full discharge thereof, is hereby authorized to deliver free of charge a copy of the North Dakota Revised Code of 1943, to which each said deceased member would have been entitled, to the following persons: On behalf of the late Representative L. L. Twichell to Mrs. Mary E. Bignall of Mapleton, North Dakota, his niece. On behalf of the late Representative K. L. Boulden to Mrs. Fannie Boulden of Larimore, North Dakota, his widow. On behalf of the late Representative Leonas Myers to Mrs. Leonas Myers of Bowdon, North Dakota, his widow. On behalf of the late Senator W. H. Porter to Mrs. Luttie Porter of Calvin, North Dakota, his widow.

AND WHEREAS, the people of the state of North Dakota are greatly indebted to certain members of the North Dakota Bar who have given unstintingly of their time and efforts in bringing the said Code to completion as set forth in the Preface to said Code:

NOW THEREFORE, BE IT FURTHER RESOLVED that as partial compensation and in appreciation for such services, the Secretary of State hereby is authorized to deliver free of charge a copy of the North Dakota Revised Code of 1943 to each of the following persons: A. M. Kuhfeld; Clyde Duffy; Clyde L. Young; Marion Jane Leslie; Paul Agneberg; B. F. Tillotson; Harold Hager; Mary Low DeMoully, and William R. Pearce.

Filed February 28, 1945.

House Concurrent Resolution K—(Introduced by Representatives Forseth and Esterby)

F. S. A.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the members of the Twenty-ninth Legislative Assembly of the State of North Dakota, mindful of the service performed by the Farm Security Administration, in the rehabilitation of farmers upon the soil, and being cognizant that only through this agency is credit available to many of the farmers of the state, and recognizing that the continuation of this agency is in the interests of all of the people,

NOW, THEREFORE, BE IT RESOLVED, that we memorialize, petition and urge Congress to enact legislation for the permanent establishment of the Farm Security Administration, and to make adequate appropriations, therefor.

Filed February 28, 1945.

Senate Concurrent Resolution No. 13 — (Introduced by Senator Kehoe)

GUMMED ANNOTATIONS

A Concurrent Resolution requesting the secretary of state to distribute gummed annotations to all licensed attorneys, members of the twenty-ninth legislative assembly, and county officials.

Be It Resolved by the Senate of the Legislative Assembly of the State of North Dakota, the House of Representatives Concurring:

That the secretary of state of the state of North Dakota be requested to distribute gummed annotations to the North Dakota Revised Code of 1943 to all licensed attorneys, to the members of the twenty-ninth legislative assembly, and to all county and state officials, who have received and possess the North Dakota Revised Code of 1943.

Filed March 16, 1945.

House Resolution No. 3—(Introduced by Representatives Johnson of Cass, Bymers, Callahan and Bagge)

IMPEACHMENT OF OSCAR E. ERICKSON, COMMISSIONER OF INSURANCE

Resolution of impeachment of Oscar E. Erickson, Commissioner of Insurance of the State of North Dakota.

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, it appears from the report filed with the Legislature by the Interim Investigating Committee pursuant to Chapter 29 of the Special Session Laws of 1944, which report includes the testimony taken and the exhibits received and made a part of the record by such committee in the course of its investigation, all of which is now before the House, that there is probable cause to believe that Oscar E. Erickson, Commissioner of Insurance of the State of North Dakota, is guilty of impeachable offenses; and that the said Oscar E. Erickson, Commissioner of Insurance of the State of North Dakota, should be impeached and required to stand trial for said offenses in accordance with the Constitution and laws relating to and governing the impeachment of state officers;

NOW, THEREFORE, BE IT RESOLVED: That Oscar E. Erickson, Commissioner of Insurance of the State of North Dakota, be and hereby is impeached of crimes, corrupt conduct, malfeasance and misdemeanors in office; and

BE IT FURTHER RESOLVED, that a Board of Managers, consisting of five members of the House, be appointed by the Speaker, to prepare and submit to the House for approval, appropriate articles of impeachment and, in the event such articles of impeachment are approved, to present them to the Bar of the Senate of the State of North Dakota for trial; to prosecute such impeachment proceedings in accordance with law; and, to that end, the Board of Managers shall be authorized to employ counsel and other assistance to aid in the preparation for and in the prosecution of such impeachment proceedings; and to do such other acts and things reasonably necessary to the proper performance of its duties in the premises.

Filed February 27, 1945.

Senate Resolution No. 3—(Introduced by Senator Brunsdale)

IMPEACHMENT OF OSCAR E. ERICKSON, SETTING TIME

A Resolution setting the time for the trial of the impeachment of Oscar E. Erickson.

Be It Resolved by the Senate of the State of North Dakota:

WHEREAS, Articles of Impeachment have been presented at the Bar of the Senate against Oscar E. Erickson, Commissioner of Insurance, now therefore

BE IT RESOLVED, by the Senate of the State of North Dakota that the trial and hearing of said impeachment before the Senate be and the same is hereby set to commence on the 22nd day of May, 1945, at one o'clock in the afternoon of said day and that the accused and the House of Representatives be advised of the day set for said trial.

Filed March 6, 1945.

House Concurrent Resolution M—(Introduced by Representatives Hegge, Mollet, Ostgulen, Leet, Schwartz & Moerke)

INTEREST ON FEED AND SEED LOANS

A Concurrent Resolution Memorializing the Congress of the United States to enact legislation permitting the cancellation of all accrued interest charges on outstanding feed and seed loans.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the farmers of the State of North Dakota, during the ten years from 1932 to 1943 passed through a period of great economic hardship occasioned by drought and unfavorable climatic conditions and the depredations of insect pests, coupled with extremely low prices for agricultural products occasioned by the general economic depression, and

WHEREAS, during said years the government of the United States of America made to many farmers of this and other states loans for feed and seed which were necessary to maintain livestock and furnish seed for the production of essential food, which items were necessary for the public of the entire nation, and

WHEREAS, the better crops obtained in the last three years have not been more than sufficient to enable farmers to pay off accumulated taxes and decrease their indebtedness, and

WHEREAS, most farmers are now having great difficulty in maintaining their farms and production on the farms because of the labor shortage and the absence of many farm boys in the service of our country because of the current war, and it (is) to the best interest of the nation that the farms be preserved and available to returning service men for the stabilization of production and employment, and

WHEREAS, the necessity of paying off old feed and seed loans with accumulated interest will greatly jeopardize such an economic program, and the result in the loss of many farms, which would be of great detriment to the nation,

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of North Dakota, urgently requests the Congress of the United States to immediately enact legislation permitting the cancellation of all accrued interest on feed and seed loans made prior to 1943.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Members of Congress and the United States Senate from North Dakota, to the President and Vice President of the United States, to the Secretary of Agriculture of the United States, and to the Legislative Assemblies of the States of Montana, Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Iowa, Wisconsin and Illinois.

Filed March 3, 1945.

House Concurrent Resolution FF — (Introduced by Joint Committee on Employment)

LEGISLATIVE EMPLOYEES

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That Margaret DeLange be allowed 16 hours pay as enrolling clerk, $15.00; that Ann Holle be allowed 22 hours pay as enrolling clerk, $20.00; that Harriet Whitty be allowed 3 hours pay as enrolling clerk, $3.00 and that Bernadine Boss be allowed 8 hours pay as enrolling clerk, $7.50.

AND BE IT FURTHER RESOLVED, that the sum of $45.50 be charged to legislative expense.

Filed March 5, 1945.

Senate Concurrent Resolution No. 4 — (Introduced by Committee on Employment)

LEGISLATIVE EMPLOYEES DANCE

A Concurrent Resolution allowing use of the Memorial Hall for employee's dances.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the employees of the Senate and the House of Representatives of the Twenty-Ninth Legislative Session wish to hold dances in the Memorial Hall located in the State Capitol building, and

WHEREAS, under the ruling of the Board of Administration, a Concurrent Resolution must be passed in order to obtain the use of said Memorial Hall,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Board of Administration be hereby requested to give permission to the employees of the Senate and House of Representatives for the use of said state owned property, furnishing proper police to maintain proper order and decorum.

BE IT FURTHER RESOLVED, That the Secretary of the Senate be requested to send one copy of this resolution to the Secretary of the Board of Administration of the State of North Dakota.

Filed January 30, 1945.

House Concurrent Resolution H — (Introduced by Representatives Fitch, Sailer, Crockett, and Schimke)

LEGISLATIVE EMPLOYEES PAY INCREASE

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

WHEREAS, the cost of living has materially increased and

WHEREAS the present pay schedule of the employees of the twenty-ninth legislative assembly is inadequate to cover their compensation and living expenses;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING, that living expenses for all legislative employees presently

being paid five dollars ($5.00) per day or less be allowed at the rate of thirty percent of the amount that they now receive as compensation and that such allowance apply to all the days for which they are or have been employed by the twenty-ninth legislative assembly. That living expenses for all legislative employees presently being paid more than five dollars ($5.00) per day be allowed at the rate of twenty percent of the amount that they now receive as compensation and that such allowance apply to all the days for which they are or have been employed by the twenty-ninth legislative assembly.

Filed March 3, 1945.

Senate Concurrent Resolution No. 3 — (Introduced by Employment Committee)

LEGISLATIVE EMPLOYEES AND SALARIES

A Concurrent Resolution Providing and Designating Senate and House Employees and Naming and Fixing Their Salaries:

Be It Resolved by the Senate of the Twenty-Ninth Legislative Assembly of the State of North Dakota and the House Concurring Therein:

That for and during this twenty-ninth Legislative Assembly the following named persons be employed and appointed as officers and employees of the Senate and of the House and shall be paid the compensation set opposite their respective names:

SENATE

Walter J. Trout, Secretary of the Senate	$8.00
Eveleen Klaudt, Desk Reporter	8.00
Ferd. Koch, Assistant Secretary	6.50
Oscar O. Odegard, Calendar Clerk	5.00
Emil Strand, Sergeant-at-Arms	5.00
J. H. McCoy, Ass't. Sergeant-at-Arms	4.50
Anne Entringer, Chief Stenographer	6.50
Elvira Sundstad, Stenographer	5.00
Helen Geeseman, Stenographer	5.00
Helen Edwards, Stenographer	5.00
Beverly Martz, Stenographer	5.00
Jane E. Young, Stenographer	5.00
Marjorie Dahl, Bill Clerk	5.00
John S. Hove, Bill Room Clerk	4.50
Mrs. Una Nierling, Bill Room Clerk	4.50
Pearl Olson, Enrolling and Engrossing Clerk	5.00
Ruth D. Clary, Chart Room Clerk	4.50

Alice D. Wagner, Chart Room Clerk---------- 4.50
Louis Rudrud, Committee Clerk---------- 4.50
C. T. Nelson, Committee Clerk---------- 4.50
John W. Benson, Proofreader---------- 5.00
B. J. Monaghan, Ass't. Proofreader---------- 5.00
Carl Dronen, Mailing Clerk---------- 4.50
Gilbert Lee, Mailing Clerk---------- 4.50
Almon Norton, Mailing Clerk---------- 4.50
Gunder Walseth, Mailing Clerk---------- 4.50
Reuben Olson, Postmaster---------- 5.00
Charles Urbanec, Ass't. Postmaster---------- 4.50
Mrs. Frank Barnes, Ass't. Postmaster---------- 4.50
Albert Homelvig, Committee Room Attendant---------- 4.50
Edwin Nething, Doorkeeper---------- 4.50
Dominick Lefor, Doorkeeper---------- 4.50
George Hegland, Doorkeeper---------- 4.50
Theo. Thompson, Doorkeeper---------- 4.50
John J. Johnson, Messenger to Governor---------- 4.50
Jerry Stair, Page---------- 4.50
Ray Unzelman, Page---------- 4.50
James Monson, Page---------- 4.50
John Hegranes, Messenger to House---------- 4.50
E. Willoughby, Cloak Room Attendant---------- 4.50
Henry Hendrickson, Doorkeeper---------- 4.50
Jacob Hegland, Mailing Clerk---------- 4.50
Chas. J. Ufer, Night Watchman---------- 4.50
Chaplain ---------- 3.50

HOUSE

Kenneth L. Morgan, Chief Clerk----------$8.00
Mrs. Marie Tunnell, Desk Reporter---------- 8.00
Vic Gilbreath, Ass't. Chief Clerk---------- 6.50
Margaret Schoenecker, Ass't. Desk Clerk---------- 6.50
Fred Ingstad, Sergeant-at-Arms---------- 5.00
John Feist, Jr., Ass't. Sergeant-at-Arms---------- 4.50
Ethelyne Jorve, Chief Stenographer---------- 6.50
Mrs. Ann T. Allen, Stenographer and Committee Clerk------ 5.00
Gladys Unzelman, Stenographer---------- 5.00
Mrs. Alice Kramer, Stenographer---------- 5.00
Mrs. Irene Lere, Bill Clerk---------- 5.00
Mrs. Eleanor Vendt, Enrolling and Engrossing Clerk-------- 5.00
Robert Johnson, Enrolling and Engrossing Clerk---------- 5.00
Mrs. Myrtle Thorberg, Chief Enrolling and Engrossing Clerk-- 5.00
Florence Boutrous, Enrolling and Engrossing Clerk---------- 5.00
Mrs. Gilma Yonker, Proofreader---------- 5.00
Harold Smith, Proofreader---------- 5.00
Lars Soiseth, Bill Room Clerk---------- 4.50
A. N. Lindsay, Bill Room Clerk---------- 4.50
E. K. Schaeffer, State Affairs Committee Clerk---------- 5.00

Mrs. Louise W. Finke, Appropriations Committee Clerk..... 5.00
Mrs. Glen Oleson, Committee Clerk..... 5.00
Mrs. Doris Bronaugh, Committee Clerk..... 5.00
Mrs. Edna Sand, Stenographer and Committee Clerk..... 5.00
Aldo I. Moe, Committee Clerk..... 5.00
Miles Nelson, Chief Mailing Clerk..... 5.00
Fred Fisher, Mailing Clerk..... 4.50
Mrs. I. A. Smith, Mailing Clerk..... 4.50
Mrs. Agnes Sailer, Mailing Clerk..... 4.50
O. J. Lokken, Calendar Clerk..... 5.00
Mrs. Walter Buck, Telephone Attendant..... 4.50
Oswald Kruisk, Chief Doorkeeper..... 4.50
H. E. Bergland, Doorkeeper..... 4.50
Oscar Olson, Doorkeeper..... 4.50
Fred Borusky, Doorkeeper..... 4.50
Earl McInnes, Postmaster..... 5.00
H. R. Bonny, Messenger to the Governor..... 4.50
John Byrne, Messenger to the Senate..... 4.50
Levern Gayman, Page..... 4.50
Jack Koch, Page..... 4.50
Beverly Young, Page..... 4.50
O. Warren Asplund, Page..... 4.50
Chaplain..... 3.50

Filed January 30, 1945.

House Resolution No. 2—(Introduced by Representative Fitch)

LEGISLATIVE EXPENSE BURIAL OF K. L. BOULDEN

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, Representatives Saumur, Blair, and Allen represented this legislative assembly at the burial of Representative K. L. Boulden, and having expended necessary traveling expenses and subsistence;

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the State of North Dakota, that said representatives be reimbursed for the expenditures made and that there is hereby appropriated as legislative expense the sum or $57.45, to be paid to Representative Saumur $9.90, to Representative Blair $9.90, and to Representative Allen $37.65.

Filed February 20, 1945.

House Resolution No. 1—(Introduced by Representatives Blair, Saumur, and Allen of Grand Forks)

LEGISLATIVE PAY K. L. BOULDEN DECEASED

Be It Resolved by the House of Representatives of the State of North Dakota:

Pay for Representative Boulden.

WHEREAS, the Honorable K. L. Boulden, a member of this House from the 5th Legislative District, on January 27th, 1945, passed to the Great Beyond;

BE IT RESOLVED that he be shown by the records of this House as excused for this session and his name be omitted in reading the roll call; but that his name be continued upon the payroll as a member of this body; that the Chief Clerk be hereby authorized and directed to sign the Legislative payroll for and in the name of said deceased member, and that warrants to be issued in payment of mileage and per diem of said K. L. Boulden, our said fellow Member, be made out in the name of his widow, Mrs. K. L. Boulden; and that the same be by the House Voucher Clerk forwarded to her at Larimore, North Dakota.

Filed February 20, 1945.

House Concurrent Resolution CC — (Introduced by Joint Committee on Employment)

MAILING CLERKS, EXTRA TIME ALLOWANCE

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That Miles Nelson, Fred Fisher and Mrs. I. A. Smith, mailing clerks of the House and Jacob Hegland, mailing clerk of the Senate, of the Twenty-ninth Legislative Assembly, be retained for five days after the close of this session to complete sending Senate and House Journals of the last days of the session; Harold Smith, proofreader of the House and John W. Benson, proofreader of the Senate, be retained for two days after the close of the session to finish proof-reading the Journals of the House and Senate for the last days of this Twenty-ninth Legislative Assembly; and that Beverly Young and Levern Gayman, pages of the House and Ray Unzelman, page of the Senate, be retained for two days after the close of the session for the purpose of wrapping and either mailing or expressing to the members of the Senate and House, bill books, Journals, reports

and files; and that Earl McInnes, postmaster of the House and Reuben Olson, postmaster of the Senate, be retained for two days after the close of the session for the purpose of disposing of any mail coming in after the close of the session.

BE IT FURTHER RESOLVED, That each of the above named employees, to-wit: Miles Nelson, Fred Fisher, Mrs. I. A. Smith and Jacob Hegland, as mailing clerks, be paid for said additional five days the sum of $6.50 per day; and Harold Smith and John W. Benson, proofreaders, be paid the sum of $6.50 per day for two days; and that Beverly Young, Levern Gayman and Ray Unzelman, as pages, be paid the sum of $5.85 per day for said additional two days; and that Earl McInnes and Reuben Olson, as postmasters, be paid the sum of $6.50 per day for said additional two days; all the above to be paid as other legislative expense and paid when the respective claims are verified by the affidavits of said parties herein named, at the completion of such work.

BE IT FURTHER RESOLVED, That the sum of Fifteen Hundred Dollars ($1,500.00) be paid to the Board of Administration for janitor service rendered during the Twenty-ninth Legislative Session.

BE IT FURTHER RESOLVED, That Mrs. Louise Finke, Mrs. Eleanor Vendt, Mrs. Myrtle Thorberg and Ethelyne Jorve be paid the sum of Seven Dollars ($7.00) per day for the days of their services rendered.

Filed March 5, 1945.

Joint Memorial Resolution

JOHN MOSES

The tragic death of our Senator and former Governor, the Honorable John Moses has removed the first citizen of the State from the realm of public service.

He brought to that service a forceful personality, a calm dignity, a tolerance and an understanding which enabled him to mold dissenting factions into a working unit, which under his leadership acted in state affairs for the good of all. He dedicated to that service a powerful physique and a boundless energy. His frankness, integrity and ability were universally recognized. Indeed, it has been given to few in the history of the State and Nation to be held so highly in the affection and respect of all men.

At this hour of crisis in the Nation's history when there is great need for extraordinary capacity, character and diligence in the public

service his passing is an irreparable loss to the country, which, though his by adoption, was loved by him with a deep and glowing patriotism.

THEREFORE BE IT RESOLVED:

In gratitude for the great services which we have received at his hands, in recognition of the State's great loss and in honor of his memory this resolution be entered in the Journal of this Joint Session of the Legislative Assembly and an enrolled copy hereof, properly executed by the Lieutenant-Governor and the Speaker of the House be presented to Mrs. Moses.

Filed March 29, 1945.

House Concurrent Resolution S — (Introduced by Representatives Fitch and Severson)

NATIONAL GUARD

A Concurrent Resolution Memorializing the Congress of the United States on the Postwar Military Establishment and the Status of the National Guard.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the Postwar Military Policy and the character, composition and size of the Military Establishment of the United States is a matter of vital importance to the States and Territories of the Union, as well as to the National Government, and

WHEREAS, the decisions which will be reached by the Congress in this matter will be predicated upon the powers granted to the Congress under the "Militia clauses" as well as the "Army clauses" of the Constitution, and will directly affect the Military Establishments of the Several States, and the relationship of these State Forces to the Army of the United States, and

WHEREAS, many plans and suggestions as to the Postwar Military Policy and the future Military Establishment have been proposed, some of which have already been presented to the Congress,

NOW THEREFORE BE IT RESOLVED by the House of Representatives of the State of North Dakota, the Senate Concurring Therein, That the Congress is respectfully urged to preserve in the Postwar Military Organization insofar as it relates to the civilian components of the Army of the United States, and specifically to the National Guard, the Officers' Reserve Corps and the Organized Reserve, the basic principles of the policies laid down in the National Defense Act of 1916 as amended, and in cogent acts, especially the

provisions of the Selective Training and Service Act of 1940 relating to the status of the National Guard as an integral part of the first line of defense of the nation. National Guard units have played a vital role in the mobilization of our present Army and they have made a brilliant record on every fighting front. We are counting on them as a bulwark of our future national security. The contributions made by National Guard units and the Organized Reserves on the battle fields of World War II completely justify the wisdom of the Congress in making them a first-line component of the Army of the United States, and amply warrants their retention in that capacity.

AND BE IT FURTHER RESOLVED that in the discussion of the Postwar Military Policy and the form of the Military Establishment, the fullest opportunity, consistent with existing conditions, be accorded the officers and men of all components of the Army, who are or who have been serving with the Armed Forces in time of war, to express their views on this most important matter to the end that this Nation will adopt a sound military policy consistent with our traditions and which will afford the utmost security to the Nation.

Filed March 5, 1945.

House Concurrent Resolution AA — (Introduced by Joint Committee on Employment)

PREPARATION OF LEGISLATIVE RECORDS

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, A complete record of action upon and disposal of all bills introduced in the House and Senate during this Session should be made available to House and Senate members as quickly as possible, such record to show what bills have been indefinitely postponed, withdrawn or passed with notation of Journal date and page of amendments thereto:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That such compilation be at once prepared in a pamphlet similar in size to the House and Senate Journals; that Marie Tunell be employed for the House and Eveleen Klaudt be employed for the Senate, they working together to prepare such compilation immediately, a copy of the same to be mailed as speedily as possible by the House and Senate mailing force to each member of the House and Senate, at the home address thereof. That the said Marie Tunell and Eveleen Klaudt be and they are hereby

respectively retained on this work for the House and for the Senate for the period of six days after the adjournment of this Legislative Assembly, at their present pay, such compensation with the printing expense of such pamphlet and of mailing the same to be charged and paid as legislative expense.

Filed March 5, 1945.

House Concurrent Resolution No. BB — (Introduced by Joint Committee on Employment)

LEGISLATIVE JOURNALS, COMPLETION OF PREPARATION OF PERMANENT JOURNALS

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That W. J. Trout, Secretary of the Senate, and Kenneth Morgan, Chief Clerk of the House, are hereby authorized, empowered and employed to compare and index the Journal of the Twenty-ninth Legislative Assembly, and to complete the Senate and House Journals and mail out to the members the temporary Journals of the last days of the Session, which have not been delivered to members before the close thereof; and the said W. J. Trout, Secretary of the Senate, and Kenneth Morgan, Chief Clerk of the House, are hereby directed and required at their own cost and expense to arrange for and procure sufficient assistance to insure that the said work shall be completed within twenty days after the adjournment of the session.

BE IT FURTHER RESOLVED, that for the services of the said W. J. Trout, Secretary of the Senate, and Kenneth Morgan, Chief Clerk of the House, as above set forth, that they be paid the sum of $400.00 each, which shall include compensation for an assistant to be selected by each, all to be paid as other legislative expense, and paid when the respective claims are verified by the affidavits of the said W. J. Trout and Kenneth Morgan showing completion of such work.

BE IT FURTHER RESOLVED, That the necessary postage for mailing out the copies of temporary Journals as aforesaid be furnished to the Secretary of the Senate and the said Chief Clerk of the House as part of the legislative expenses of this session.

Filed March 5, 1945.

House Concurrent Resolution EE — (Introduced by Representatives Bymers, Callahan, Bagge, Ohnstad and Johnson of Cass)

RECESS AND ADJOURNMENT LEGISLATIVE ASSEMBLY

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That at the completion of the business of the Twenty-ninth Legislative Assembly, the House of Representatives shall adjourn until the day the Senate reconvenes at the hour of 2 o'clock p. m. and that from and after the said day, the House of Representatives, with the consent of the Senate, shall stand adjourned from day to day, subject to the call of the Speaker, upon the request of the managers of the prosecution of the impeachment trial of Oscar E. Erickson, Commissioner of Insurance of the State of North Dakota.

BE IT FURTHER RESOLVED, That the members of the House of Representatives, with the exception of said managers, shall receive mileage, per diem and five dollars ($5.00) a day expenses only in the event that they are so required by the Speaker to return to the State Capitol, and shall then receive per diem only for such time as they may be in attendance upon the call of the Speaker, at the city of Bismarck.

BE IT FURTHER RESOLVED, That the said managers of the prosecution of said impeachment trial shall receive mileage for travel necessary in performance of duties, per diem and five dollars ($5.00) a day expenses for the time spent by them in connection with the prosecution of said impeachment trial.

BE IT FURTHER RESOLVED, That at the close of this day's session, the Senate shall take a recess until the 22nd day of May, 1945, on which date the Senate shall reconvene at one o'clock in the afternoon for the purpose of conducting such impeachment trial of said Oscar E. Erickson.

Filed March 5, 1945.

Senate Concurrent Resolution No. 7 — (Introduced by Senators Brunsdale and Streibel)

REFERENCE TO CHANGES IN THE SOCIAL SECURITY ACTS

A Concurrent Resolution memorializing Congress of the United States with Reference to Changes in the Social Security Acts.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the interest of the people of the State of North Dakota will be best served by

1. Leaving the administration of Unemployment Compensation provisions of the Social Security Act in the hands of the states;

2. Retention of the experience rating provisions and limiting the coverage under the unemployment provisions as at present provided in the Federal Act.

3. Exemption of agricultural workers, domestic servants and other persons not now affected by the provisions of the act except as hereinafter referred to;

4. Providing optional coverage for employees of federal, state, and political subdivisions; and

5. Limiting activities of the Federal Social Security Administration to advisory matters as against regulation of state laws.

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the President of the United States, to the President of the Senate and the speaker of the House of Representatives in Congress for incorporation in the Congressional Record and to the Senators and Representatives of the State of North Dakota.

Filed February 28, 1945.

House Concurrent Resolution No. Z — (Introduced by Ways and Means Committee)

REGARDING CEILING PRICE ON BUTTER

A Concurrent Resolution Memorializing Congress, the President of the United States, and Chester Bowles, Administrator of the Office of Price Administration, to Permit the Sale of North Dakota Butter within Ceiling Prices on the Basis of its True Commercial Value,

and to Cease Unjust Discrimination against Butter Made in the State of North Dakota.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That, WHEREAS, the Creamery industry contributes materially to the aggregate economy of the State of North Dakota, and is the only branch of agriculture in which practically all the processing of the products are carried out within the borders of the State; and whereas the Office of Price Administration has adopted a policy in dealing with our North Dakota creameries based on the erroneous conclusion that top quality butter cannot be produced in North Dakota, and pursuant to said policy has classified North Dakota as a B grade butter state;

AND WHEREAS, this action is doing irreparable harm to our dairy industry as a whole and particularly to the producer, as any action that compels creameries to market butter on the theory that government grades are the sole and only basis of its commercial value will automatically reduce the price the creamery can pay to the producer in this state for butterfat; and whereas if damage actions by the Office of Price Administration succeed as against creameries which have bought and paid for butterfat, to the producer, on the theory that such butterfat could be and was processed into butter that could be lawfully sold for a price actually based on its real commercial value, within ceiling price limitations, and judgments for damages against said creameries are obtained, then and in that event, as to co-operatives creameries, the damages will be collected from the pockets of the farmer producer, and as to independent creameries, the judgments will have to be collected out of the working capital, as in truth and in fact the prices that were paid to the farmer were based on the prices the creameries have received for the butter, and in truth and in fact, no damage has accrued to the consumer; and if the present program of the OPA is carried out, no benefit can or will accrue to the consumer. The North Dakota producer will be materially damaged and the ultimate consumer will receive no benefit.

NOW, THEREFORE, Be it resolved that we petition the Congress of the United States to investigate the activities of the OPA in connection with the matters hereinbefore referred to, and to urge Chester Bowles, Administrator of the Office of Price Administration, to issue such regulations as may be required to permit North Dakota Creameries to sell North Dakota butter within ceiling prices on the basis of its true commercial value, and that the present program of the OPA based on alleged upgrading be forthwith terminated.

It is further resolved that a copy of this joint resolution be

sent to the President of the United States, to Chester Bowles, Administrator, and to each of the North Dakota members of Congress.

Filed March 5, 1945.

Senate Concurrent Resolution No. 14 — (Introduced by Senator Rue)

REGARDING FORT LINCOLN

A Concurrent Resolution memorializing Congress of the United States of America and the War Department to utilize the facilities available at Fort Lincoln, North Dakota in the readjustment program following the war.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the facilities available at Fort Lincoln, North Dakota, which have been utilized during the war as a civilian internment camp be not abandoned as had been threatened before World War II but that the same be converted into a Rehabilitation Center to assist in the program of returning members of the Armed Forces to civilian life.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives in Congress for incorporation in the Congressional Record and to the Senators and Representatives of this state.

Filed March 1, 1945.

Senate Concurrent Resolution No. 12 — (Introduced by Senators Stucke, Brant, Wog and Olson of Mountrail)

REGARDING SHIPMENT OF GRAIN

A Concurrent Resolution Memorializing the Interstate Commerce Commission and the Public Service Commission of the State of North Dakota to take steps to remove the discrimination now existing against the North Dakota shippers of grain.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, in the years 1941, 1942, 1943, and 1944 the North Dakota farmers produced 613,010,000 bushels of wheat, and

WHEREAS, in 1935 the average cost of shipping a ninety car

train from North Dakota to its primary grain market in Minneapolis was $15,400.00. The cost at the present time for shipping the same number of cars of grain is in excess of $18,335.00, and

WHEREAS, the grain producers of North Dakota have in the last four years paid in excess of eighty million dollars for the transportation of wheat alone to the primary grain market at Minneapolis, and

WHEREAS, more favorable rates are afforded to the shippers of neighboring states for the shipping of coarse grain to primary grain market in Minneapolis.

NOW, THEREFORE, BE IT RESOLVED that we petition the Interstate Commerce Commission and the Public Service Commission of the State of North Dakota to take appropriate steps for the removal of the existing discrimination against the grain producers of the State of North Dakota, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Interstate Commerce Commission at Washington, D. C., to the Public Service Commission at Bismarck, North Dakota, and to the senators and representatives of this State.

Filed March 1, 1945.

Senate Resolution No. 1 — (Introduced by Senators Bridston and Page)

REQUESTING APPOINTMENT OF COMMISSIONER OF INSURANCE TO REPLACE OSCAR E. ERICKSON

Be It Resolved by the Senate of the State of North Dakota:

WHEREAS, The House of Representatives of the 29th Legislative Assembly has by resolution duly adopted impeached Oscar E. Erickson, the Commissioner of Insurance of the State of North Dakota; and

WHEREAS, By the provisions of Section 198 of the Constitution of the State of North Dakota and by Section 44-0908 of North Dakota Revised Code of 1943, the said Oscar E. Erickson cannot exercise the duties of said office; and there is no one authorized by law to perform the duties of his office;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of North Dakota that the public service may suffer by reason of there being no person authorized to perform the duties of the office of Commissioner of Insurance, and the Governor is hereby requested to designate some suitable person to perform the duties of said office.

Filed March 1, 1945.

House Concurrent Resolution O — (Introduced by Representatives Graham, Bymers, Halcrow and Bolmeier)

REQUESTING GREENWICH TIME

A Concurrent Resolution Memorializing the Congress of the United States to Enact Legislation Placing the Entire Nation Upon Greenwich Time.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the Legislative Assembly of the State of North Dakota does hereby memoralize and petition the Congress of the United States to enact legislation placing the entire nation upon Greenwich time.

That certified copies of this resolution properly authenticated be sent forthwith to the presiding officer of each house of the National Congress and to each of the United States Senators and Representatives from North Dakota.

Filed March 5, 1945.

House Concurrent Resolution No. Y — (Introduced by Representatives Luick, Fitch and Sandness)

REQUESTING MODIFICATION OF O.D.T. ORDER

A Concurrent Resolution requesting the Office of Defense Transportation to modify the order permitting the removal of the Soo Line passenger trains 105 and 106 operating between Glenwood, Minnesota and Enderlin, North Dakota, and passenger trains 107 and 108 operating between Enderlin, North Dakota and Minot, North Dakota, daily, except Sundays, effective March 1, 1945.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the Office of Defense Transportation has issued its order permitting the removal of Soo Line passenger trains 105 and 106 operating between Glenwood, Minnesota and Enderlin, North Dakota, a distance of 136 miles, and also passenger trains 107 and 108 operating between Enderlin, North Dakota and Minot, North Dakota, a distance of 212 miles, and

WHEREAS, the discontinuance of passenger trains 105 and 106 operating between Glenwood, Minnesota and Enderlin, North Dakota, and passenger trains 107 and 108 operating between Enderlin, North Dakota and Minot, North Dakota, will for all practical purposes deprive all the communities effected by such discontinuance

of express service, particularly in-coming express, and also deprive said communities of evening mail from the east, and result in a substantial financial loss to the business enterprises now established in the villages and cities served by said trains, and

WHEREAS, it further appears that the public convenience of the communities, villages, and cities served by the continuance of the operation of all said passenger trains upon their present schedule is a necessity, and

WHEREAS, there appears to be no reasonable basis for permitting their removal or permitting the discontinuance of the service rendered by said trains at this time.

NOW, THEREFORE, BE IT RESOLVED, that the legislative assembly of the State of North Dakota urges the Office of Defense Transportation to modify its order permitting the removal of said trains by the railroads and ordering the Soo Line to continue the same in service for the convenience of the citizens and people of the State of Minnesota and State of North Dakota effected by the service rendered by the same at this time, and

BE IT FURTHER RESOLVED, that it appears that if passenger trains 105, 106, 107, and 108 are removed from the service over the Soo Line between Glenwood, Minnesota and Minot, North Dakota, that the burden of traffic which they ordinarily carry will have to be assumed by and carried on trains 3 and 4, and that said trains will in effect become local passenger trains instead of through trains which will be a great inconvenience to all the passengers who use and utilize the service of said trains between the points of Glenwood, Minnesota and Minot, North Dakota, and would also inconvenience all passengers on said trains from arriving at their destinations in the western part of the United States and Vancouver, Canada, on schedule.

Filed February 28, 1945.

House Memorial Resolution 5 — (Introduced by Representatives Sharpe and Nystrom)

HALVOR ANDREW RINDY

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, the Supreme Ruler of the Universe in His Infinite Wisdom has removed, on April 20, 1944, Honorable Halvor Andrew Rindy from the midst of his family and community, and

WHEREAS, he has served as a Member of the House of Representatives in the 23rd Legislative Assembly from the 32nd Legislative District, and

WHEREAS, his tenure of public office was always of devotion of a high degree to those principles of good government, which are essential to efficient and good honest administration;

THEREFORE, BE IT RESOLVED, that this House of Representatives express its appreciation for the valuable service rendered by our distinguished citizen; and that we express our keen sorrow of his passing, and

BE IT RESOLVED, that this House of Representatives extend to his wife, Mrs. Rindy, and family, its sincere sympathy, and that this Resolution be printed in the House Journal and an enrolled copy of same be sent to his family at Carrington, North Dakota.

Filed March 5, 1945.

House Concurrent Resolution X — (Introduced by Representatives Fitch, Halcrow, Lillehaugen, and Fuglestad)

ROAD HOUSES

A Concurrent Resolution Authorizing and Directing the Attorney General to Investigate the Roadhouse Situation.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, it has been forcibly called to the attention of the Twenty-Ninth Legislative Assembly that certain Roadhouses within the State of North Dakota are operating illegally in the permitting of minors to purchase liquors, staying open after the proper closing hours, and many other infractions of the laws of the State of North Dakota, and

WHEREAS, such Roadhouses have become a public menace and a detriment to the well-being and welfare of the citizens of the State of North Dakota, and

WHEREAS, it is the intention of this Legislative Assembly to promote the betterment of the people and enforcement of all laws,

NOW, THEREFORE, BE IT RESOLVED by the Twenty-Ninth Legislative Assembly that the Attorney General of the State of North Dakota and his assistants are hereby instructed and directed and ordered to proceed immediately to the investigation of the conditions existing in several so-called Roadhouses and if it is found

that such Roadhouses are operating illegally that the said Attorney General shall immediately take the necessary steps to close such Roadhouses for the protection and well-being of the citizens of the State of North Dakota.

Filed March 5, 1945.

House Memorial Resolution 6 — (Introduced by Representatives Haag, Schmidt of Logan and Wolf of McIntosh)

JOHN G. SCHMIDT

WHEREAS, our late associate Representative John G. Schmidt of McIntosh County was on July 24, 1943, called to his eternal rest; and

WHEREAS, he was an honored member of this House of Representatives for the Thirty-sixth Legislative District during the Nineteenth Legislative Assembly, and in private life a willing worker in any movement beneficial to the people in the community in which he lived;

NOW, THEREFORE, BE IT RESOLVED that this House of Representatives of the Twenty-ninth Legislative Assembly express its deepest sympathy to Mrs. Schmidt, and that an enrolled copy of this Resolution be sent by the Chief Clerk of the House of Representatives to Mrs. John G. Schmidt at Wishek, North Dakota.

Filed March 5, 1945.

Senate Resolution No. 2 — (Introduced by Senator Brunsdale)

SENATE COMMITTEE ERICKSON IMPEACHMENT CASE

A Resolution for the Appointment of a Committee of the Senate to make preliminary arrangements for the trial of the impeachment of Oscar E. Erickson, Insurance Commissioner.

Be It Resolved by the Senate of the State of North Dakota:

That the Committee on Judiciary of the Senate of the 29th Legislative Assembly serve during the recess of the Senate and pending the impeachment trial of Oscar E. Erickson, Insurance Commissioner, the duties of which committee shall be

(a) To consult with the Board of Managers appointed by the House and with the accused and his counsel as to the procedure to be followed at such trial.

(b) To prepare and present to the Senate for approval when it convenes as a Court of Impeachment proposed Rules of Procedure to be followed in the conduct of said trial.

(c) To arrange with the Board of Administration for the proper arrangement of counsel and reporters' tables, witness stands and other furniture and equipment necessary for the proper conduct of said trial.

(d) To contract on behalf of the Senate for the employment of expert stenographers to report the proceedings at said trial.

(e) To employ, subject to the approval of the Lieutenant Governor, a suitable person trained in the law to act as advisor and consultant to the Lieutenant Governor in the performance of his duties as presiding officer of said Court.

(f) To take such other steps and action, subject to Senate approval and confirmation when it shall again convene, as may be required preliminary to the trial to accomplish the efficient conduct of said trial before the Senate.

Filed March 6, 1945.

House Memorial Resolution 2 — (Introduced by Representatives Haag, Schmidt of Logan and Wolf of McIntosh)

HARLEY D. SHEPPARD

WHEREAS, the late Harley D. Sheppard of the Thirty-sixth Legislative District passed to his eternal reward on October 24, 1943;

WHEREAS, he represented said Legislative District in the Nineteenth Assembly, and in private life was a splendid example of integrity, loyalty, and conscientious endeavor of good citizenship; and

WHEREAS, in his passing North Dakota has lost a true friend and a leader in the preservation of sound liberal government, honestly administered;

NOW, THEREFORE, BE IT RESOLVED by this House of Representatives of the Twenty-ninth Legislative Assembly, that we express the keen sorrow which we feel because of his passing, and that an enrolled copy of this Resolution be sent by the Chief Clerk of the House of Representatives to Fred Sheppard at Burnstad, North Dakota.

Filed March 5, 1945.

Senate Concurrent Resolution 16 — (Introduced by Senator Olson of Mountrail)

STATE LAND DEPARTMENT AUTHORIZED TO ACCEPT BID OF RETURNED VETERANS ON SALE OF ORIGINAL GRANT LANDS

WHEREAS, upon the shoulders of American boys eighteen years of age and over, has been placed the grave responsibility of preserving the liberties of the American people; and

WHEREAS, approximately fifty thousand of our young men have left our schools, farms, shops and businesses to answer their country's call at this time of its great need; and

WHEREAS, Many of these young men will return to the State of North Dakota at the close of the present conflict for the purpose of making this their home; and

WHEREAS, many of these young men will want to return and make their living on the farms of this State; and

WHEREAS, the State of North Dakota owes a great debt of gratitude to these young men and should do all within its power to assist them in getting started in business for themselves; and

WHEREAS, it is for the best interests of the State of North Dakota that these young men be encouraged to purchase their own farm homes;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Board of University and School Lands is hereby authorized and instructed, in all instances where an application for the purchase of original grant land is made by an honorably discharged veteran of World War II, that such land be put up for public sale as now provided by law and the Constitution; and that in all cases where the highest bidder at such sale is a person other than an honorably discharged veteran of World War II, that the veteran who made the original application to purchase such original grant land be given the right to buy such land by payment of a purchase price Five ($5.00) Dollars in excess of the highest amount bid at such public sale.

Filed March 12, 1945.

House Concurrent Resolution N — (Introduced by Representatives Graham and Johnson of Cass)

TERM OF PRESIDENT UNITED STATES

A Concurrent Resolution Memorializing the Congress of the United States to Propose an Amendment to the Constitution of the United States of America Limiting the Term of Office of a President of the United States to Not More Than Two Consecutive Terms.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the Legislative Assembly of the State of North Dakota does hereby memorialize and petition the Congress of the United States to propose an amendment to the Constitution of the United States of America limiting the tenure of office of a President of the United States to not more than two consecutive terms.

That certified copies of this resolution properly authenticated be sent forthwith to the presiding officer of each house of the National Congress and to each of the United States Senators and Representatives from North Dakota.

Filed March 5, 1945.

House Concurrent Resolution No. E — (Introduced by Haag, Schmidt of Logan and Wolf of McIntosh)

TIRES FARMING INDUSTRY

A Concurrent Resolution Memorializing Congress and the President to enact legislation providing for adequate automobile, tractor, and truck tires for the farming industry.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, due to the present war emergency and the large demand of our armed forces for tires, a great shortage of automobile, tractor, and truck tires is apparent in the farming industry; and

WHEREAS, it has particularly been called to the attention of the Twenty-ninth Legislative Assembly that the farming industry is in dire need of automobile, tractor, and truck tires of a quality adequate for the conduct of the industry, which involves travel over long distances and heavy hauling of farm produce; and

WHEREAS, because of the great distances to be traveled in the State of North Dakota from farm to market where there is no

other mode of travel than by automobile, tractor, and truck, it is absolutely necessary and essential that Congress and the President take immediate steps to enact legislation giving to the farming industry an increased quantity of grade one tires;

NOW, THEREFORE, BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Congress of the United States and the President take steps forthwith to insure to the farming industry of the State of North Dakota an adequate and increased quantity of quality tires to permit full production of food for victory; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the President of the United States, to the president of the Senate and the speaker of the House of Congress for incorporation in the Congressional Record, to the senators and representatives of this State.

Filed February 7, 1945.

Senate Concurrent Resolution No. 2 — (Introduced by Senators Blank, Braun, Thatcher and Young)

TOWNSEND PLAN

A Concurrent Resolution Memorializing Congress and the President to Enact the Townsend Plan.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, the care and comfort of the aged is one of the most sacred of responsibilities, and worthy of our most painstaking effort in the right solution and administration, that those who built up our nation before us may enjoy the fruits of their labors when their productive years are over; and

WHEREAS, the Townsend Plan is recognized as offering the best solution yet devised, and on a generous plan, befitting an appreciative people, mindful of past benefits and present obligations, and provides suitable provision for the comfort and proper care of our older people;

NOW, THEREFORE, BE IT RESOLVED, that we petition Congress to enact at this time appropriate legislation, such as the Townsend Plan provides, and to become effective after the present abnormal conditions, caused by a world-wide war, are over, to properly care for those who, having borne the heat and burden of the day, may live in comfort and happiness in their declining years; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives in Congress for incorporation in the Congressional Record and to the Senators and Representatives of this State.

Filed March 12, 1945.

House Memorial Resolution 1 — (Presented by Representatives Schnell, Schmallenberger and Sticka)

JOHN F. ZIMMERMAN

WHEREAS, God in His infinite wisdom has seen fit to summon to eternal rest His servant and our former house member, the late John F. Zimmerman who passed to his reward on May 7, 1944, and

WHEREAS, John F. Zimmerman served as a highly respected member of the House of Representatives of the 31st Legislative District of Stark County, North Dakota for the years 1925 to 1929, and

WHEREAS, John F. Zimmerman, in public and in private life was admired by his fellow men for his every act of foresightedness and characterized wisdom and loyalty to his community and to his state, and

WHEREAS, his passing is a severe loss to his community and to his state and a cause for personal grief to his former associates in the House of Representatives of the State of North Dakota,

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the 29th Legislative Assembly, of the State of North Dakota that we express our sincere sympathy to the family of our former colleague and to the members of his community, and

BE IT FURTHER RESOLVED, that this Resolution be printed in the Journal of the House of Representatives and that a copy thereof be mailed by the Chief Clerk to his wife, Mrs. John F. Zimmerman of Richardton, North Dakota; and to his children, Leo J. Zimmerman of Seattle, Washington; Rosemary Lantz of Los Angeles, California; Julius Zimmerman of Richardton, North Dakota; Emelia Walls of Richardton, North Dakota, and Pauline Hoerner of Richardton, North Dakota.

Filed March 5, 1945.

VETOES

H. B. No. 195
Introduced by Representative Schnell

STANDARDS OF FOODS AND DRUGS

An Act To amend and re-enact Section 19-0202, of the North Dakota Revised Code of 1943, relating to definitions, rules, regulations and standards of foods and drugs.

March 16th 1945

Honorable Thomas Hall,
Secretary of State,
Bismarck, North Dakota
Dear Mr. Hall:—

I am delivering herewith H. B. No. 195 without my approval. This bill requires eating places to designate whether meat served is first, second or third grade meat and provides a heavy penalty for violations. Much of the meat sold in North Dakota has no official grading. This law would be difficult to comply with and would in no way improve the quality of meat used in North Dakota.

I therefore veto this bill.

Respectfully,
Fred G. Aandahl (Signed)
Fred G. Aandahl
Governor

FGA:RS

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

§ 1. AMENDMENT.] That Section 19-0202, of the North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

19-0202. DEPARTMENT TO ESTABLISH DEFINITIONS, RULES, REGULATIONS, AND STANDARDS OF FOODS AND DRUGS.] The department shall fix, adopt, publish, and enforce definitions, rules, regulations, and standards of quality, purity, and strength of articles of food and drugs for which no definitions, rules, regulations, and standards are prescribed by law including as to what constitutes first, second and third grade meats, for the purpose of:

1. Securing uniformity, as far as practicable, in the laws of this state and of the federal government and the ordinances of municipalities within this state;

2. Preventing fraud and deception in the manufacture, use, sale and transportation of food;
3. Preserving the public health;

It shall be the duty of all public eating places to designate by printed or written word on the menu, in a manner equally conspicuous with and immediately adjoining each item of meat offered for sale, whether such meat is first, second or third grade meat.

The violation of this Act shall be deemed a misdemeanor and punishable by a fine of not more than One Hundred Dollars ($100.00) or thirty (30) days in jail.

Filed March 16, 1945.

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