

practice in accordance with section 43-0211 of the North Dakota Revised Code of 1943, or is not approved for examination due to the failure of the applicant to qualify under one or more of subsections 1, 2, 3, 4, 5, or 6 of section 43-0210 of the North Dakota Revised Code of 1943, twenty dollars of such fee shall be returned to the applicant. If the applicant shall pass in at least one-half of the subjects covered by the examination, but shall fail to pass the examination as a whole, he shall be entitled to reexamination on the subjects in which he has failed. Such reexamination may be taken only at the next two examinations held and each applicant shall pay to the board a fee of fourteen dollars for each reexamination in accounting practice and a fee of seven dollars for each reexamination in any other subject.

Approved March 8, 1951.

PRINTING LAWS

CHAPTER 275

S. B. No. 64
(Legislative Research Committee)

STATE PRINTING

AN ACT

To amend and reenact sections 46-0202, 46-0204, 46-0205, 46-0206, 46-0207 of the North Dakota Revised Code of 1943, section 46-0209 of the North Dakota Revised Code of 1943, as amended by the session laws of 1945, and sections 46-0213, 46-0301, 46-0302, 46-0307, 46-0315, 46-0401, 46-0403, 46-0404, 46-0410, and 46-0418 of the North Dakota Revised Code of 1943 and to repeal sections 46-0303, 46-0304, 46-0309, 46-0312, 46-0313, 46-0314, 46-0316, 46-0317, 46-0406, 46-0409 and 15-2116 of the North Dakota Revised Code of 1943, relating to state printing.

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

§ 1. AMENDMENT.) Section 46-0202 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0202. UNION LABEL ON PRINTED MATTER: PREREQUISITE: PENALTY.) All printing for which the state of North Dakota is chargeable and embraced within classes 1, 2, 3, 4, or 5, as specified in section 46-0204, shall have the label of the branch of the International Typographical Union of the city in which the printing is done. Any officer of the state who shall accept any printed

matter contrary to the provisions of this section shall be subject to a fine of fifty dollars for each and every offense.

§ 2. AMENDMENT.) Section 46-0204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0204. CLASSES OF PRINTING; CONTRACTS.) The printing of the state hereby is divided into classes as follows:

1. The printing of bills, resolutions, and documents for the use of and incident to the legislative assembly shall constitute the first class;
2. The printing and binding of the journals of the senate and house of representatives shall constitute the second class;
3. The printing and binding of the executive and public documents and reports to be printed in pamphlet and volume form, as prescribed by section 46-0302 shall constitute the third class;
4. The printing and binding of the volumes of laws, with such legislative resolutions as shall be included in said volumes shall constitute the fourth class;
5. The printing of the publicity pamphlet shall constitute the fifth class; and
6. All printing not included in the foregoing classes, shall constitute the sixth class.

Separate contracts for each classes 1, 2, 3, 4, and 5 shall be let by the commission under competitive bidding in accordance with the provisions of this title and at a cost and price not in excess of the cost and price as provided for in the Franklin Printing Catalogue.

§ 3. AMENDMENT.) Section 46-0205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0205. PROPOSALS FOR PRINTING; CLASSIFICATIONS 1, 2, 3, 4, and 5.) The commission, at least six months immediately preceding each regular session of the legislative assembly, shall advertise for four weeks successively in two daily papers in the state, one of which shall be published at the seat of government, inviting sealed proposals for doing all printing and binding constituting each of classifications 1, 2, 3, 4, and 5, required by the legislative assembly and by the several state departments for the two succeeding years commencing with the first day of January next following the date of the contract. Such bids shall specify the price and cost for which the said work will be performed and the stock furnished.

§ 4. AMENDMENT.) Section 46-0206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0206. OPENING OF BIDS: AWARDS.) The commission, or any two of the members thereof, within two days after the date for receiving proposals as aforesaid, and not later than the first Tuesday after the first Monday in August, shall proceed to open in public all such proposals received by it, and to award the contract for each class of printing to the lowest bidder therefor, subject to the provisions of this title. If two or more persons bid the same and the lowest price for any class of printing, the commission shall award the contract to such one or more of them as in its opinion will best subserve the interests of the state.

§ 5. AMENDMENT.) Section 46-0207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0207. PROPOSALS: HOW MADE: BOND REQUIRED.) Each proposal for each class of state printing let under competitive bids shall be in writing, sealed and addressed to the secretary of the commission, and shall be accompanied by a bond executed in due form by the bidder, approved by the attorney general and satisfactory to the commission, in the penal sum of four thousand dollars conditioned for the faithful performance according to law of the class of the state printing if awarded to him and for the payment, as liquidated damages, by such bidder to the state, of any excess of cost over the bid of such bidder which the state may be obliged to pay for such work by reason of the failure of such bidder to complete his contract. No bid unaccompanied by such bond shall be considered. The commission may reject any bid made by anyone other than a regularly established and thoroughly competent printer and also may reject any or all bids if in its judgment the best interests of the state would be subserved thereby.

§ 6. AMENDMENT.) Section 46-0209 of the North Dakota Revised Code of 1943, as amended by the session laws of 1945, is hereby amended and reenacted to read as follows:

46-0209. PROPOSALS FOR PRINTING: CLASSIFICATION 6; SUB-LETTING PROHIBITED.) Each department and office of the state government may let the printing of all matters coming within classification 6 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 news-

paper or job printing shop, the department or state office shall submit such order or requisition for printing to the commission and the state printer, who shall determine and fix the reasonable maximum cost or price for such printing work and the stock required. The price fixed and determined by the commission and the state printer shall be the maximum cost of such printing work and material and the price paid by such department or office for the work and printing so ordered and the material furnished shall not exceed the maximum cost and price so determined. Such maximum cost and price so fixed shall not exceed the price and cost as provided for in the Franklin Printing Catalogue and shall be determined and fixed by the commission and the state printer according to the kind and quality of material required and the kind of work necessary. Upon the determination and fixing of such maximum cost and price to be charged for the work required and material furnished, 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.

§ 7. AMENDMENT.) Section 46-0213 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0213. PRINTING ACCOUNTS; HOW CERTIFIED AND PAID.) When the account of any contractor under this chapter shall have been adjusted, the commission shall certify the same to the state auditor to be approved by the state auditing board, and, upon its approval, the state auditor shall draw his warrant upon the state treasurer for the amount thereof, charging the appropriate fund or appropriation item. In the current execution of such contracts, the commission may deliver to such contractor a certificate for an amount not exceeding seventy-five percent of completed work upon the filing with the commission by the contractor of a statement of the amount of work done.

§ 8. AMENDMENT.) Section 46-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0301. GOVERNOR'S MESSAGES; HOW PRINTED.) All regular messages from the governor and all inaugural messages of the governor-elect shall be printed in pamphlet form.

§ 9. AMENDMENT.) Section 46-0302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0302. EXECUTIVE AND PUBLIC DOCUMENTS AND REPORTS; HOW PRINTED.) The pamphlets and volumes of executive and

public documents and reports, which constitute the third class of state printing, shall be printed on first-class sized and calendered paper of not less than fifty pounds to the ream, size twenty-five by thirty-eight inches, from brevier type, set solid. Extracts and tabular work may be set in brevier or smaller type. The printed pages shall be twenty-five ems pica in width and forty-three ems pica in length. The reports of the officers of the various departments and other reports, communications and documents, required to be made out for the use of the legislative assembly and for the information of the public, after publication in pamphlet form shall be reimposed and shall form the volumes of executive and public documents and reports. There shall be no additional charge for the composition of matter used in the volumes of executive and public documents and reports or as separate pamphlets, or as parts of reports, if such material previously had been used and paid for in the pamphlet form and the order is given before the forms of type are distributed, but a reasonable charge not in excess of the maximum rate as set forth in the contractor's proposal may be allowed for reimposition. The volumes of the executive and public documents and reports shall be paged consecutively and the documents and reports therein made up in as close and compact order as is consistent with good workmanship, without intervention of unnecessary blanks or separate title or half title pages. At the conclusion of each volume there shall be an index referring to the particular page at which each separate document or report commenced. The commission shall determine what reports and documents shall be entered into the volume of executive and public documents and reports, when not specified by law and shall also determine the number of copies of the volumes and the style of binding.

§ 10. AMENDMENT.) Section 46-0307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0307. LEGISLATIVE JOURNALS: HOW PRINTED; FILED WITH SECRETARY OF STATE.) The secretary of the senate and the chief clerk of the house shall keep a journal of the proceedings of their respective houses and shall furnish a copy immediately upon each daily adjournment to the contractor for the printing thereof. Such printer shall print and deliver the same at the commencement of the next day's session for the use of the members of the legislative assembly. The number of copies of the daily and bound journals shall be determined by resolution of each branch of the legislative assembly. After being read in the house to which the journal belongs, and examined and compared with the minutes of the record of the bill clerk, or the clerk having charge of the record of bills, memorials, and joint resolutions, and in the presence and with the sanction of the house, corrected as found and declared

to be correct, the proceedings of each day shall be attested by the secretary and chief clerk and immediately thereafter shall be delivered to the printer of the journals, who shall make the authorized corrections, if any, and print the sheets for the bound volumes of the journal. After the journals shall have been properly printed, corrected, revised, and indexed, two bound copies of each, which shall be in half morocco, shall be filed and deposited with the secretary of state, who shall preserve the same carefully and shall attach thereto his certificate showing the date of such delivery to him and attesting that such journals are the identical and official journals delivered to him by the secretary of the senate and the clerk of the house of representatives. Such records shall be and shall constitute the true and authentic journal.

§ 11. AMENDMENT.) Section 46-0315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0315. AUTHENTICATION OF LAWS, MEMORIALS, AND RESOLUTIONS.) All laws printed or published by authority of this state shall be printed or published without the requirement of any certificate or additions to the same, except the word "approved" and the date of such approval. In each authenticated volume of the laws published there shall be a general certificate made by the secretary of state to the effect that all laws, memorials, and resolutions contained therein have been compared by him with the originals thereof in his office and that they are correct copies.

§ 12. AMENDMENT.) Section 46-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0401. OFFICIAL DISTRIBUTION OF STATE LAWS; BOARD TO CONTROL DISTRIBUTION OF THE LAWS.) Each member of the legislative assembly for himself and each constitutional officer of the state and each judge of the supreme and district courts for the use of their respective offices and departments shall be entitled to receive from the state a copy of any publication of the laws of the state and of any compilation or codification thereof published under authority of the state. The chief justice of the supreme court, the governor, and the attorney general shall constitute a "board to control distribution of the laws" which shall designate other offices and agencies of the state that shall be entitled to receive copies of any such publication of the laws for the use of such state offices and agencies and also shall determine the number of copies of any publication to be received by any recipient in a distribution under the provisions of this section, if more than one copy shall be needed by such recipient for official use.

§ 13. AMENDMENT.) Section 46-0403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0403. DISTRIBUTION OF SESSION LAWS, COMPILATIONS, AND CODIFICATIONS BY SECRETARY OF STATE.) The secretary of state, as soon as conveniently can be done after the publication of any session laws, compilations, or codifications, shall cause copies thereof to be distributed as provided in sections 46-0401 and 46-002. He, in addition, shall furnish to the legislative assembly such additional copies as shall be necessary upon resolution of the respective branches or committees thereof and shall furnish to each member of the legislature, upon demand therefor, such current volumes of laws as have not been obtained through service in previous sessions.

§ 14. AMENDMENT.) Section 46-0404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0404. SESSION LAWS, COMPILATIONS, AND CODIFICATIONS REMAIN PROPERTY OF STATE.) Except as otherwise provided by law, each copy of laws, compilations, or codifications furnished to any officer, department, or agency of the state, or to the legislative assembly, its officers, or committees shall be and remain the property of the state and must be surrendered to the secretary of state or to the recipient's successor in office.

§ 15. AMENDMENT.) Section 46-0410 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0410. DUTIES OF BOARD TO CONTROL DISTRIBUTION OF THE LAWS; EXCHANGE OF LAWS WITH OTHER STATES.) The chief justice of the supreme court, the governor, and the attorney general, constituting the board to control distribution, may authorize and direct the secretary of state to distribute copies of all laws passed by each legislative assembly and all compilations or codifications of the same, whenever it shall seem desirable to such board:

1. In exchange for like publications of other states;
2. To replace copies lost or damaged in official use; and
3. To provide copies as needed to state officers, boards, commissions, institutions, or agencies of the state.

§ 16. AMENDMENT.) Section 46-0418 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

46-0418. SECRETARY OF STATE TO SELL STATUTES.) The secretary of state shall sell to any person applying therefor the published volumes of the North Dakota Revised Code of 1943 at the price of forty dollars per set to residents of the state of North Dakota and fifty dollars per set to nonresidents thereof and the other volumes of laws of this state for the cost and ten percent added, and shall pay over to the state treasurer all sums so received, taking the official receipt of such treasurer therefor, § 17. REPEAL.) Sections 46-0303, 6-0304, 46-0309, 46-0312, 46-0313, 46-0314, 46-0316, 46-0317, 46-0406, 46-0409 and 15-2116 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 9, 1951.

PROPERTY

CHAPTER 276

H. B. No. 801

(Homelvig, Bohm, Wollitz, Acheson, Langley, Mollet,
(Rhode, Hageman, Wadson)

TITLE TO REAL PROPERTY, ADVERSE POSSESSION; TAX DEED AN ACT

To amend and reenact sections 47-0603 and 57-2705 of the North Dakota Revised Code of 1943, relating to real property.

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

§ 1. AMENDMENT.) Section 47-0603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

47-0603. TITLE TO REAL PROPERTY; ADVERSE POSSESSION.) A title to real property, vested in any person or those under whom he claims, who shall have been in the actual open adverse and undisputed possession of the land under such title for a period of ten years and who shall have paid all taxes and assessments legally levied thereon, shall be valid in law. A contract for deed shall constitute color of title within the meaning of this section from and after the execution of such contract.

§ 2. AMENDMENT.) Section 57-2705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows: