

STATE GOVERNMENT

CHAPTER 302

S. B. No. 149
(Knudson by Request)

SALE AND CONVEYANCE OF STATE OWNED LANDS

AN ACT

Providing for the sale, manner of sale, and manner of conveyance of real property whenever title thereto is held in the name of the state, providing limits of application of Act.

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

§ 1. STATE OWNED LAND; HOW TRANSFERRED.) Real property held in the name of the state of North Dakota for the use and benefit of any department or agency thereof may be transferred and conveyed, by quit-claim deed executed in the name of the state of North Dakota by the governor, and attested by the secretary of state.

§ 2. MANNER OF SALE; WHERE HELD; NOTICE.) Whenever any department or agency of the state other than the board of university and school lands and the bank of North Dakota is authorized to sell such real property the same shall be sold for cash by the county auditor or other person designated by the department or agency concerned at public auction at the front door of the court house in the county wherein such real property lies, after notice of sale shall have been published in the official paper of the county wherein such property lies for three successive weeks, the last publication to be not less than ten days before the day of sale. Such notice shall be given in the name of the administrative head of the department or agency concerned, and shall state the place, day and hour of the sale, the description of the real property thus sold, and that the state reserves the right to reject any and all bids.

Approved February 28, 1951.

CHAPTER 303

S. B. No. 156
(Bridston and Streibel)

NORTH DAKOTA STATE FLAG COMMISSION

AN ACT

To provide for the creation of a North Dakota state flag commission, defining its powers and duties.

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

§ 1. CREATING COMMISSION, TERM, APPOINTMENT, VACANCIES.) There is hereby established a North Dakota state flag commission to consist of five members to be appointed by the governor, all of whom shall be electors of the state of North Dakota. The term of office of the members of such commission shall expire on December 31, 1952. Any vacancy occurring on the commission from any cause shall be filled by the governor.

§ 2. ORGANIZATION.) Within thirty days after the taking effect of this Act, the commission shall meet at the state capitol upon the call of the governor, and shall organize by electing from its membership a chairman and a secretary, and adopting rules to govern its procedure.

§ 3. COMPENSATION.) Each member of the commission shall serve without compensation.

§ 4. POWERS; DUTIES; OBJECTS AND PURPOSES.) It shall be the duty of the commission to make a thorough and searching study of the North Dakota state flag, its origin, meaning, and its suitability as an emblem, symbolic of the state of North Dakota. The commission is further charged with the preparation of suitable drawings, designs, or pictorials of any suggested changes for the consideration of the thirty-third legislative assembly.

§ 5. REPORTS AND RECOMMENDATIONS.) The commission shall on or before December 1, 1952, file with the governor, a full and complete report of its findings and recommendations, who shall thereafter transmit a copy of such report to the legislature. In such report the commission shall make such recommendations as in its judgment would create a true depiction of North Dakota.

Approved February 28, 1951.

CHAPTER 304

S. B. No. 34
(Legislative Research Committee)

SELECTION AND COMPENSATION OF OFFICERS AND
EMPLOYEES OF THE LEGISLATIVE ASSEMBLY

AN ACT

To amend and reenact sections 54-0308 and 54-0310 of the North Dakota Revised Code of 1943, relating to the selection and compensation of officers and employees of the legislative assembly, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 54-0308 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-0308. SELECTION OF OFFICERS AND EMPLOYEES OF LEGISLATIVE ASSEMBLY.) The senate at the beginning and close of each regular session, and at such other times as may be necessary, shall elect one of its members president pro tempore. The house of representatives shall elect one of its members as speaker. Such other officers and employees as shall be deemed necessary shall be elected or appointed by the respective houses.

§ 2. AMENDMENT.) Section 54-0310 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-0310. COMPENSATION OF OFFICERS AND EMPLOYEES.) The president pro tempore of the senate and the speaker of the house shall each receive as compensation two dollars per day. The legislative assembly, by joint or concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed.

§ 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 6, 1951.

CHAPTER 305

S. B. No. 204
(Committee on Appropriations)

STATE OFFICERS SALARIES

AN ACT

To amend and reenact sections 4-0121, 26-0103, 49-0105, 54-0704, 54-0905, 54-1010, 54-1113 of the North Dakota Revised Code of 1943, and section 54-1211 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to salaries of state officers.

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

§ 1. AMENDMENT.) Section 4-0121 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0121. SALARY OF COMMISSIONER OF AGRICULTURE AND LABOR.) The commissioner of agriculture and labor shall receive an annual salary of five thousand dollars for all services performed by him.

§ 2. AMENDMENT.) Section 26-0103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0103. SALARY OF COMMISSIONER OF INSURANCE.) The annual salary of the commissioner of insurance, for all services performed by him, shall be five thousand dollars, and he shall reside at the capital of the state.

§ 3. AMENDMENT.) Section 49-0105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-0105. PUBLIC SERVICE COMMISSIONER; SALARY.) The salary of each commissioner shall be five thousand dollars per annum which shall be full compensation for all official services. All fees received or charged by any such commissioner for any act or service rendered in any official capacity shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

§ 4. AMENDMENT.) Section 54-0704 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-0804. SALARY OF GOVERNOR.) The governor shall receive an annual salary of nine thousand dollars for all services performed by him.

§ 5. AMENDMENT.) Section 54-0905 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-0905. SALARY OF SECRETARY OF STATE.) The secretary of state shall receive an annual salary of five thousand dollars for all services performed by him.

§ 6. AMENDMENT.) Section 54-1010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1010. SALARY OF STATE AUDITOR.) The state auditor shall receive an annual salary of five thousand dollars for all services performed by him.

§ 7. AMENDMENT.) Section 54-1113 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1113. SALARY OF STATE TREASURER.) The state treasurer shall receive an annual salary of five thousand dollars for all services performed by him.

§ 8. AMENDMENT.) Section 54-1211 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1211. SALARY OF ATTORNEY GENERAL.) The attorney general shall receive an annual salary of seven thousand five hundred dollars for all services performed by him.

Approved March 3, 1951.

CHAPTER 306

H. B. No. 721
(Holand, Link and Bubel)

BUDGET REQUESTS INVOLVING FEDERAL AID; PROCEDURE

AN ACT

Providing for the filing of requests and budgets of the agencies of the state government in the obtaining of federal aid.

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

§ 1.) Every agency of the state government when making requests for budgets to be submitted to the federal government for funds, equipment, material or services shall have such request or budget filed in the office of the state budget director before submitting it to the proper federal authority. When such federal authority has approved the request or budget, in whole or in part, the agency of the state government shall resubmit it to the state budget director for recording before any allotment or encumbrance of the federal funds can be made.

Approved March 7, 1951.

CHAPTER 307

H. B. No. 605
(Fleck, Bourgois, Jansonius, Langley, Johnson, Bubel)

SALE AND CONVEYANCE OF CAPITOL GROUND TRACT TO THE BOARD OF EDUCATION OF THE CITY OF BISMARCK

AN ACT

Authorizing the board of administration to sell and convey to the school district, the board of education of the city of Bismarck of the state of North Dakota a certain tract of land located on the eastern part of the capitol grounds.

Whereas, the board of education of the city of Bismarck of the state of North Dakota needs a site to construct additional educational facilities including a junior college,
Now, therefore:

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

§ 1.) The board of administration of the state of North Dakota is hereby authorized to sell and convey to the board of

education of the city of Bismarck of the state of North Dakota the following described real property, to-wit:

The South fifteen (15) acres on the West Side of Highway No. 83 of that fractional part of the N. E. $\frac{1}{4}$ of Section 33, Township 139 north, Range 80 west bounded by and lying within the following described traverse:

Beginning at a point on the north section line of said Section 33, a distance of 596.7 feet from the northeast corner thereof; thence S $0^{\circ} 34'$ E, a distance of 2150.66 feet; thence S $89^{\circ} 31'$ W, a distance of 300.0 feet; thence S $0^{\circ} 34'$ E, a distance of 352.7 feet; thence N $89^{\circ} 26' 30''$ W, a distance of 600.38 feet; thence N $0^{\circ} 34'$ W, a distance of 2490.56 feet; thence N $89^{\circ} 24'$ E, a distance of 900.3 feet to the place of beginning, excepting all that portion lying within the right-of-way of U. S. Highway No. 83, and within 33 feet of the section line, for the consideration of Four Hundred Dollars (\$400.00) per acre;

Provided, however, the deed of conveyance shall provide that if the land conveyed shall not be used for school or college purposes or shall be abandoned for such purposes, then title thereto shall revert to the state of North Dakota upon payment of the consideration paid thereof without interest.

Approved February 10, 1951.

CHAPTER 308

S. B. No. 60

(At the request of State Board of Administration)

INSTITUTIONAL PAYROLLS AND EXPENDITURES; PAYMENT AN ACT

To amend and reenact section 54-2341 of the North Dakota Revised Code of 1943, relating to expenditures and pay rolls of institutions under the control of the state board of administration, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 54-2341 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-2341. AUDIT OF MONTHLY STATEMENTS OF EXPENDITURES AND PAY ROLL; ABSTRACTS OF STATEMENT; PAYMENT.) When the monthly statement of expenditures and the pay roll of an institu-

tion have been audited by the board and found correct, the secretary of the board, under the seal of the board, shall prepare an abstract, in duplicate, showing the name, residence, and amount due each claimant, and the institution and the fund thereof on account of which the payment shall be made. He shall deliver one copy thereof to the state auditor and the other copy shall be retained in the office of the board. The state auditor, upon receipt of the certified abstract, shall issue a warrant or warrants for the amount or amounts thereof and shall deliver the same to the board for delivery to the proper officer of the institution, to be paid out in conformity with such rules as the board may prescribe.

§ 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, 1951.

CHAPTER 309

S. B. No. 170

(Dahl, Spiekermeier, Sauer, and Sandness)

ESTABLISHMENT OF STATE RADIO BROADCASTING SYSTEM

AN ACT

Relating to the establishment of a state radio broadcasting system; purchasing of equipment; radio receiving and transmitting sets for state owned automobiles, state penitentiary and other places; operation, and declaring an emergency.

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

§ 1. MEANING OF TERMS.) Wherever the word "board" is hereinafter used, it shall mean the "board of administration". The word "system" hereinafter used shall mean "state radio broadcasting system."

§ 2. RADIO BROADCASTING AUTHORIZED: PURCHASE OF EQUIPMENT.; RADIO RECEIVING AND TRANSMITTING SETS FOR STATE OWNED AUTOMOBILES, STATE PENITENTIARY, OTHER PLACES; OPERATION.) The board of administration is authorized and empowered to purchase the necessary apparatus and equipment to construct or establish a radio broadcasting system for the state of North Dakota, which broadcasting system shall be used solely

for the transmission of state business and information. The board is further authorized and empowered to purchase short wave radio receiving and transmitting sets in such quantities as may be most economical and to equip with short wave radio receiving and transmitting sets all state-owned cars used in connection with law enforcement, such road maintainers as it shall determine advisable, the state penitentiary and such other places as may furnish the speedy transmission of messages and state information. The board of administration is charged with the operation and maintenance of said radio broadcasting system.

§ 3. COUNTY TO FURNISH LOCAL RECEIVING AND TRANSMITTING SETS FOR SHERIFFS AND DEPUTIES; POLICE AUTOMOBILES TO BE EQUIPPED WITH RECEIVING AND TRANSMITTING SETS; BOARD MAY FURNISH SETS AT EXPENSE OF SUB-DIVISION.) Each county within the state may furnish to its sheriff and deputy sheriff a short wave length radio receiving and transmitting set which shall be maintained at the expense of the county, and which shall be paid for and shall be the property of the county. All publicly owned automobiles used by police officers of any city or town shall be equipped with short wave length radio receiving and transmitting sets at the expense of such municipality. A city, town, or village may also equip privately owned cars used in law enforcement work if it so desires. The board shall have the authority to sell to any county, city, or town short wave length radio receiving and transmitting sets purchased by the board as hereinbefore provided, without any profit to the state or to this board and the funds received from such sale shall be credited by the state treasurer to the board.

§ 4. BROADCASTING OF DISPATCHES; CRIMINAL INFORMATION; REPORTS OF STATE OFFICIALS; STATE BUSINESS; DUTY OF BOARD; DUTY OF LOCAL SHERIFFS AND POLICE OFFICERS TO REPORT INFORMATION.) It shall be the duty of the board to broadcast all police dispatches and reports submitted, which in its opinion shall have a reasonable relation to or connection with, the apprehension of criminals, the prevention of crimes, or the maintenance of peace and order in the state, including civil defense. It shall also broadcast any other statement or report upon the request of any constitutional officer, or the head of any state department, providing such message relates to state business. Every sheriff, deputy sheriff, police officer, or other person securing a short wave length radio receiving and transmitting set under the provisions hereof, shall make a report to the board at such times and containing such information as said board shall by regulation require.

§ 5. PRIORITY OF TELEGRAPH AND TELEPHONE MESSAGES TO STATE BROADCASTING STATION REQUIRED; PENALTY.) Every tele-

graph and telephone company operating in this state shall give emergency service to all messages or calls directed to any station of the state radio broadcasting system established herein.

§ 6. SHORT WAVE LENGTH RECEIVING AND TRANSMITTING SETS ON PRIVATE AUTOMOBILES WITHOUT PERMIT PROHIBITED.) No person shall equip an automobile with a short wave length radio receiving and transmitting set or use the same in this state unless such automobile is used or owned by a law enforcement officer, without first securing a permit so to do from the board upon such application as such board may prescribe.

§ 7. BOARD TO MAINTAIN AND SUPERINTEND SYSTEM; EMPLOYMENT OF RADIO PERSONNEL AND EQUIPMENT AUTHORIZED; OPERATION EXPENSE PAID FROM APPROPRIATION TO THIS BOARD.) The board is authorized to employ such radio operators and assistants and such radio equipment as it may deem necessary to carry out the provisions of this Act, and shall fix the compensation of such personnel. The cost of maintenance and operation of a state radio broadcasting system and all short wave length radio receiving and transmitting sets owned or operated by the state shall be paid out of the appropriation for this purpose. Nothing herein contained, however, shall authorize the board to expend more than the appropriation provided by law for the erection, maintenance and operation of the system. There is appropriated from the state motor patrol fund of the state, not otherwise appropriated, a sum not to exceed fifty thousand dollars and out of the state treasury a sum not to exceed one hundred thousand dollars, for the erection of this broadcasting system, and out of the state treasury a sum not to exceed forty thousand dollars, for the biennium ending June 30, 1953, for the payment of costs and expenses of the administration of this system, and the auditor shall issue warrants upon said fund, upon duly certified vouchers executed by the board.

§ 8. 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, 1951.

CHAPTER 310

H. B. No. 617

(Larsen, Haugland, Smart, Anderson of Richland, Livingston, Langley,
Baker, Wolf, Sorlie, Langseth of Eddy-Foster, and Lee)

STATE COMMISSION ON ALCOHOLISM; APPROPRIATION

AN ACT

Relating to alcoholics and alcoholism, providing for the creation of a state commission on alcoholism to study and disseminate information on alcoholism and to treat and rehabilitate the victims thereof on a voluntary basis, and providing for an appropriation.

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

§ 1.) In this Act unless the context or subject matter otherwise requires:

1. "Alcoholic" shall mean any person who chronically and habitually uses alcoholic beverages to the extent that he has lost the power of self-control with respect to the use of such beverages, or while chronically or habitually under the influence of alcoholic beverages endangers public morals, health, safety, or welfare;
2. "Commission" shall mean the North Dakota commission on alcoholism;
3. "Patients" shall mean persons who are under the supervision or care of the commission; and
4. "Alcoholism" shall mean the pathological condition attendant upon the excessive and habitual use of alcoholic beverages.

§ 2.) There is hereby established the North Dakota commission on alcoholism which shall consist of the state health officer, the director of vocational rehabilitation, the executive director of the public welfare board, the commissioner of the board of higher education, and the superintendent of public instruction. The commission, by a majority vote of the ex officio members, may increase the membership of the commission to seven and fill such additional positions by appointment.

§ 3.) The commission shall select one of its members as chairman. It shall meet at the call of the chairman and three members shall constitute a quorum. The members shall receive no additional compensation but shall be allowed their actual and

necessary traveling expenses, when engaged in the discharge of their official duties as members of the commission, paid as other state officers are paid, from funds available to the commission.

§ 4.) The commission shall appoint an executive director and fix his salary. The director shall act as secretary to the commission and shall perform such other duties as the commission may require of him. In addition to his salary, the director shall be allowed his actual and necessary expenses, paid as other state officials are paid.

§ 5.) The commission shall:

1. Study alcoholism and its problems, including methods and facilities available for the care, custody, detention, treatment, employment, and rehabilitation of resident alcoholics;
2. Promote meetings and programs for the discussion of alcoholism or any of its aspects, disseminate information on the subject of alcoholism for the guidance and assistance of individuals, courts, and public or private agencies for the prevention of alcoholism, and inform and educate the general public on problems of alcoholism, its prevention and treatment, to the end that alcoholism may be prevented and that persons suffering from alcoholism may be disposed to seek available treatment;
3. Conduct, promote, and finance, in full or in part, studies, investigations, and research, independently or in cooperation with universities, colleges, scientific organizations, and public or private agencies;
4. Accept for examination, diagnosis, guidance, and treatment, insofar as funds permit, any resident of the state coming to the commission of his own volition for advice and guidance;
5. Establish, from time to time, policies governing the acceptance, care, and treatment of alcoholics, and adopt such rules as may be necessary to regulate the conduct and stay of all patients of the commission;
6. Employ such assistants as may be necessary; and
7. Report to the governor and the legislature biennially incorporating such recommendations as it may deem advisable.

§ 6.) The commission may contract for such educational, research, casework, institutional and medical facilities, personnel and services of public or private agencies as may be necessary to carry out the provisions of this Act. It may accept for training

under its direction such medical, technical, and clinical personnel as may be desirable.

§ 7.) The commission, with the consent of the governor, may establish facilities for the treatment of its patients and shall have authority to lease or purchase land, buildings, and equipment or to construct buildings suitable for that purpose whenever funds are made available.

§ 8.) Any resident of the state may apply for voluntary admission to the care, treatment, and guidance of the commission, or may have such application made in his behalf by his parent, person in loco parentis, or legal guardian. The commission may make such rules and regulations for the admission, care, and treatment of voluntary patients as it deems best, except that such patients shall not be under the control of the commission for less than thirty days, nor more than one year. The rules and regulations of the commission in regard to its voluntary patients shall be printed and available to the public. No voluntary patient shall, by asking the help or care of the commission, abridge any of his civil rights nor shall evidence of his voluntary admission to the commission's care and control be admissible against him in any court. All records pertaining to voluntary patients shall be kept confidential.

§ 9.) The commission, insofar as may be possible, shall seek to be reimbursed by the patient or persons liable for the support of the patient for any or all items of expense incurred by the commission in connection with the care, custody, treatment, and rehabilitation and may make such financial arrangements concerning necessary expenses as it deems best. No patient shall be charged at a rate greater than actual cost of the care, treatment or rehabilitation furnished such patient. The commission may accept funds, property, or services from any source, and all revenue received by the commission in any manner including gifts, grants in aid, reimbursement, or sale of articles or services is hereby appropriated and shall be used in carrying out the provisions of this Act. Expenditures of any funds available to the commission shall be made upon vouchers signed by the chairman or the executive director of the committee.

§ 10.) There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act.

Approved March 8, 1951.