

# LAWS

PASSED AT

**The Thirty-Second Session**

OF THE

**Legislative Assembly**

OF THE

**STATE OF NORTH DAKOTA**

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID  
STATE, ON TUESDAY, JANUARY SECOND, 1951, AND  
CONCLUDING FRIDAY, MARCH SECOND, 1951

Published under Legislative Authority

by

**THOMAS HALL**

Secretary of State

Bismarck, North Dakota

AUTHENTICATION

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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, except clerical errors, of the original enrolled bills and resolutions passed at the Thirty-second Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 2, 1951, and terminating Friday, March 2, 1951, also of the Constitutional Amendments, Initiated and Referred Measures submitted at the primary election held June 27, 1950.

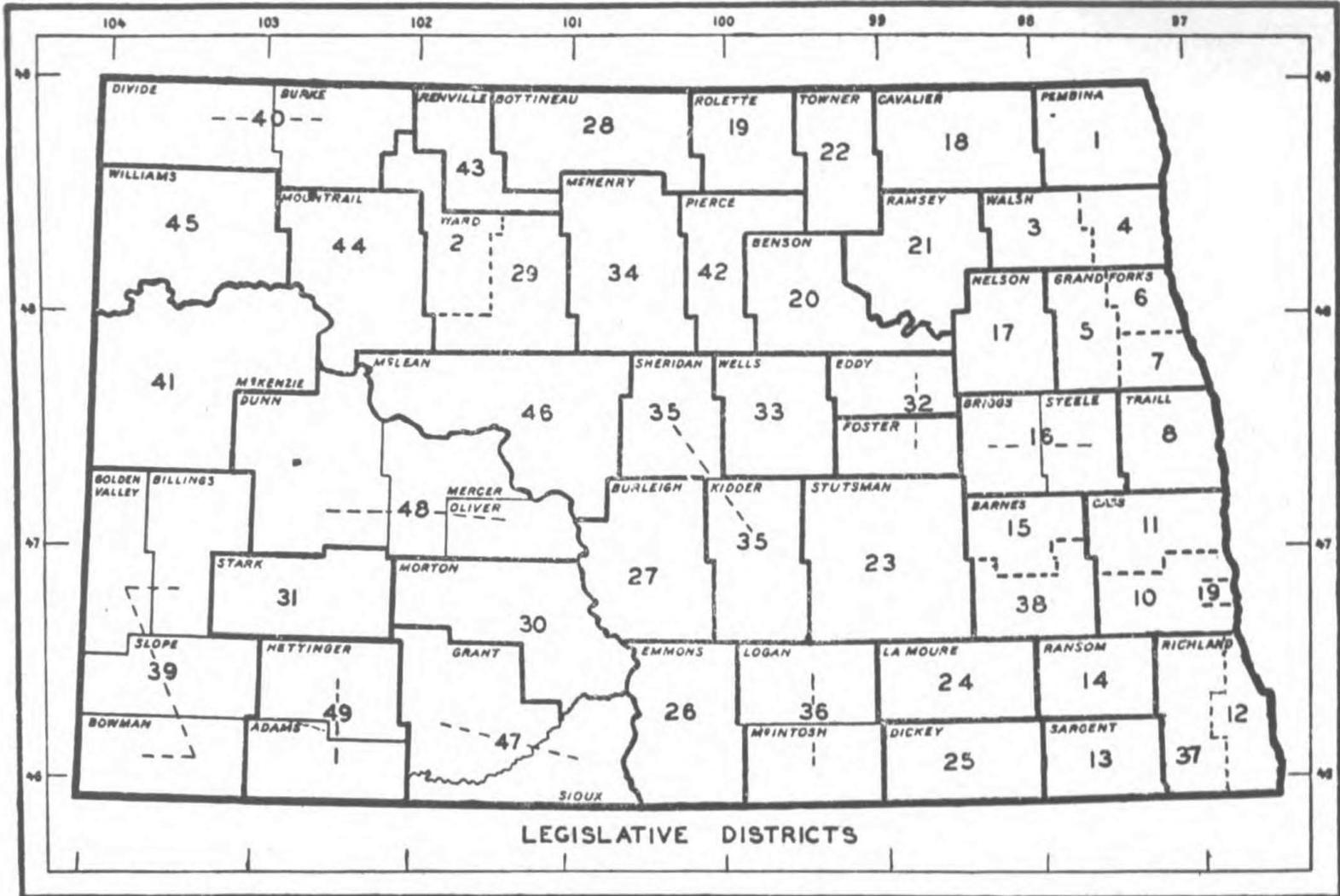
In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this first day of July, 1951.

(Seal)

THOMAS HALL,  
Secretary of State

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Secretary of State  
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State of North Dakota

# NORTH DAKOTA



LEGISLATIVE DISTRICTS

MEMBERS  
of the  
THIRTY-SECOND LEGISLATIVE ASSEMBLY  
STATE OF NORTH DAKOTA  
January 2, 1951 to March 2, 1951

SENATE

President—Lt. Gov. Ray Schnell, Dickinson, N. D.

Secretary—W. J. Trout, Sherwood, N. D.

Dist.	County	Name	Address
*1.	Pembina	Franklin Page	Hamilton
2.	Pt. Ward	Walter Troxel	Berthold
*3.	Pt. Walsh	Harry O'Brien	Park River
4.	Pt. Walsh	Rilie R. Morgan	Grafton
*5.	Pt. Grand Forks	Oliver Bilden	Northwood
6.	Pt. Grand Forks	Carroll E. Day	Grand Forks
*7.	Pt. Grand Forks	J. B. Bridston	Grand Forks
8.	Traill	Harvey B. Knudson	Mayville
*9.	Pt. Cass	W. H. Shure	Fargo
10.	Pt. Cass	Kenneth K. Pyle	West Fargo
*11.	Pt. Cass	Joseph Spiekermeier	Sheldon
12.	Pt. Richland	A. W. Luick	Fairmount
*13.	Sargent	Oscar Wahlund	Cogswell
14.	Ransom	Agnes Kjorlie Geelan	Enderlin
*15.	Pt. Barnes	P. L. Foss	Valley City
16.	Griggs-Steele	C. P. Dahl	Cooperstown
*17.	Nelson	Arnold Bjorlie	Pekin
18.	Cavalier	Hugh J. Work	Langdon
*19.	Rolette	John Coghlan	Rolla
20.	Benson	Orris G. Nordhogen	Leeds
*21.	Ramsey	Clyde Duffy	Devils Lake
22.	Towner	H. B. Baeverstad	Cando
*23.	Stutsman	G. I. Fetton	Jamestown
24.	LaMoure	A. J. Sandness	LaMoure
*25.	Dickey	Alfred Weland	Fullerton
26.	Emmons	S. C. Thomas	Linton
*27.	Burleigh	Milton Rue	Bismarck
28.	Bottineau	Duncan Fraser	Ememee
*29.	Pt. Ward	Walter Blume	Glenburn
30.	Morton	W. H. Klusmann	New Salem
*31.	Stark	Amos Freed	Dickinson
32.	Eddy-Foster	C. W. Schrock	New Rockford
*33.	Wells	R. M. Streibel	Fessenden
34.	McHenry	Emil Torno	Towner
*35.	Kidder-Sheridan	Edward Leno	Tuttle
36.	McIntosh-Logan	Ed. Haag	Fredonia
*37.	Pt. Richland	Joseph A. Reinke	Hankinson
38.	Pt. Barnes	Philip J. Sauer	Sanborn
*39.	Billings, Bowman Golden Valley & Slope	Emil Strand	Fryburg
40.	Burke-Divide	Ralph Dewing	Columbus
*41.	McKenzie	Hjalmer Nelson	Watford City
42.	Pierce	Willard Anderson	Rugby

Dist.	County	Name	Address
*43.	Renville	Reinhart Krenz	Sherwood
44.	Mountrail	Axel Olson	Parshall
*45.	Williams	Iver Solberg	Ray
46.	McLean	E. C. Stucke	Garrison
*47.	Grant-Sioux	William Kamrath	Leith
48.	Mercer, Oliver & Dunn	John Kusler	Beulah
*49.	Adams-Hettinger	Laverne Schoeder	DeSart

\*Hold-over senators.

### HOUSE OF REPRESENTATIVES

Speaker—Hon. Leo Sticka, New England, N. D.

Chief Clerk—Kenneth L. Morgan, Walcott, N. D.

Dist.	County	Name	Address
1.	Pembina	John Sommer	Cavalier
		John Halcrow	Bowesmont
		F. M. Einarson	Mountain
2.	Pt. Ward	Bernard Larson	Kenmare
		Palmer Levin	Park River
3.	Pt. Walsh	M. T. Lillehaugen	Brocket
		Wilfred Collette	Grafton
4.	Pt. Walsh	C. E. Walster	Larimore
5.	Pt. Grand Forks	Geo. Saumur	Grand Forks
6.	Pt. Grand Forks	Targie Trydahl	Thompson
7.	Pt. Grand Forks	Oscar J. Sorlie	Buxton
		H. W. McInnes	Kelso
		Harvey G. Wambheim	Hatton
9.	Pt. Cass	Adrian O. McLellan	Fargo
		Mortimer A. Wilk	Fargo
		K. A. Fitch	Fargo
		A. C. Johnson	Fargo
		C. T. Yirchott	Fargo
10.	Pt. Cass	Carl G. Simenson	Kindred
		A. J. Anderson	Rte. 2 Fargo
11.	Pt. Cass	Arthur E. Laske	Leonard
		Harry W. Wadeson	Alice
12.	Pt. Richland	Vernon Anderson	Dwight
		Walter Fleenor	Wahpeton
13.	Sargent	Laurence Petterson	Gwinner
		G. A. Klefstad	Forman
14.	Ransom	Anson J. Anderson	Lisbon
		H. C. Nygaard	Enderlin
		John T. Heimes	Valley City
15.	Pt. Barnes	Art Nelson	Finley
		Bjorn Fuglestad	Cooperstown
		Thomas L. Snortland	Sharon
17.	Nelson	Guy A. Engen	McVile
		Gustav Locken	Kloten
18.	Cavalier	L. E. Callahan	Munich
		Dan Power	Langdon
		F. O. Ottem	Osnabrock
19.	Rolette	John A. Stormon	Rolla
		Oscar Solberg	Mylo

Dist.	County	Name	Address
20.	Benson	C. H. Hofstrand	Leeds
		John Leier	Esmond
21.	Ramsey	Louis Leet	Webster
		Frithjof Skaar	Hampden
		Harry Stormon	Devils Lake
22.	Towner	Jack M. Currie	Cando
		E. J. Langley	Rock Lake
23.	Stutsman	C. F. Arndt	Streeter
		Clifford Lindberg	Jamestown
		J. A. Sederholm	Jamestown
		H. M. Ekren	Kensal
24.	LaMoure	Henry T. Olson	Edgeley
		Roy A. Holand	LaMoure
25.	Dickey	Albert Larson	Oakes
		Perry A. Pederson	Guelph
26.	Emmons	Karl Kleppe	Kintyre
		Joseph Welk	Hague
27.	Burleigh	Clifford Jansonius	Bismarck
		John R. Fleck	Bismarck
		Ervin Bourgois	Bismarck
28.	Bottineau	S. J. Acheson	Westhope
		Emery Cote	Willow City
		Arlan Stair	Newburg
29.	Pt. Ward	Ernest C. Livingston	Minot
		Brynhild Haugland	Minot
		C. W. Baker	Minot
		W. M. Smart	Minot
30.	Morton	C. M. Helferich	Hebron
		Matt M. Schmidt	Flasher
		C. G. (Gus) Fristad	Mandan
31.	Stark	Theo. Monke	Dickinson
		Henry Weber	Dickinson
		Leo Sticka	New England
32.	Eddy-Foster	A. C. Langseth	Carrington
		C. A. Anderson	Carrington
33.	Wells	Gordon Paulson	Harvey
		Aug. Wahl	Fessenden
34.	McHenry	John Zurcher	Towner
		Floyd Ettestad	Balfour
		Walter Hageman	Deering
35.	Kidder-Sheridan	Fred G. Helm	Denhoff
		Gottlieb Frank	Kief
36.	McIntosh-Logan	Samuel Rudolf	Wishek
		T. E. Schuler	Streeter
		Ben J. Wolf	Zeeland
37.	Pt. Richland	Harold Langseth	Barney
		Chas. Wollitz	Lidgerwood
38.	Pt. Barnes	Arthur C. Snortland	Litchville
39.	Billings, Bowman Golden Valley & Slope	Leland Roen	Bowman
		Albert Homelvig	Amidon
		Roy M. Snow	Beach
40.	Burke-Divide	R. H. Lynch	Fortuna
		Ivan Erickson	Crosby
		Frank Lindberg	Lostwood
41.	McKenzie	Halvor Rolfsrud	Watford City
		Arthur A. Link	Alexander
42.	Pierce	Andrew Benson	Barton
		Thor Gronvold	Barton

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43. Renville .....	John R. Bohm .....	Lorraine
44. Mountrail .....	Theodore Rohde .....	Van Hook
	J. N. Mollet .....	Powers Lake
45. Williams .....	Oscar H. Lee .....	Williston
	Lloyd Esterby .....	Appam
	Clarence Poling .....	Grenora
46. McLean .....	Dave Robinson .....	Coleharbor
	Richard J. Thompson .....	Underwood
	A. A. Bentz .....	Turtle Lake
47. Grant-Sioux .....	James J. Maher .....	Morristown S. D.
	R. G. Beede .....	Elgin
48. Mercer, Oliver & Dunn .....	Walter Bubel .....	Center
	Ernest R. Hafner .....	Beulah
	Edwin G. Sailer .....	Hazen
49. Adams-Hettinger .....	Elmer Hegge .....	New England
	I. E. Bratcher .....	Mott

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# APPROPRIATIONS

## CHAPTER 1

H. B. No. 515  
(Committee on Appropriations)

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### BOYS' AND GIRLS' CLUB WORK — COUNTY FAIRS

#### 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 with 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 19, 1951.

## CHAPTER 2

H. B. No. 516  
(Committee on Appropriations)

## STATE MISCELLANEOUS

## AN ACT

Making an appropriation for inquest and burial of penal inmates, headstones for soldiers and sailors, action 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 1, 1951, and ending June 30, 1953, provided that any charges against the above appropriation must have the approval of the state auditor and the state auditing board.

Approved February 19, 1951.

## CHAPTER 3

H. B. No. 628  
(Bourgeois and Fleck)

PAYMENT OF SPECIAL ASSESSMENT TO  
CITY OF BISMARCK

## AN ACT

Making an appropriation for the purpose of paying special assessments for public improvements levied against the state of North Dakota by the city of Bismarck.

*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 \$61,679.06, not otherwise appropriated, for the purpose of paying the city of Bismarck special

assessments levied against property owned by the State of North Dakota for the following public improvements:

Sewer Improvement District No. 64 (storm water sewer system) .....	\$ 57,965.56
Improvement District No. 29 (grading and graveling) .....	720.06
Curb and Gutter .....	2,993.44
<b>Total</b> .....	<b>\$ 61,679.06</b>

Approved March 7, 1951.

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CHAPTER 4

H. B. No. 520  
(Committee on Appropriations)

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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 may be 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 1, 1951, and ending June 30, 1953.

Approved February 19, 1951.

## CHAPTER 5

H. B. No. 514  
(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 \$8,000.00, 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 1, 1951, and ending June 30, 1953.

Approved March 1, 1951.

## CHAPTER 6

S. B. No. 133  
(Committee on Appropriations)

EXTRAORDINARY EXPENSES OF LAW ENFORCEMENT  
DUE TO FEDERAL PROJECTS

## AN ACT

Making an appropriation to meet extraordinary expenses of law enforcement arising by reason of the construction of federal projects.

*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 thirty thousand dollars to meet extraordinary expenses of law enforcement arising by reason of the construction of federal projects. Application for such funds shall be made to the

attorney general, by the county commissioners of the county so applying with the approval of the state's attorney and county auditor of such county, and the application shall be supported by itemized statements of extraordinary expenses incurred in law enforcement activities in such county by reason of the presence in such county of persons attracted to the county by such project. The attorney general shall have the duty to make such investigation as shall be deemed necessary, and may approve or disapprove or reduce the amount so applied for, and no payment or expenditure of any part of the above sum shall be made without the prior approval by the attorney general of the duly verified voucher presented to the state auditor. This Act shall remain in effect only for one biennium, and any balance remaining in said fund at the end of such biennium shall revert to the general fund.

Approved March 7, 1951.

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## CHAPTER 7

H. B. No. 522  
(Committee on Appropriations)

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### PAYMENT OF EXPENSES OF DELEGATES TO NATIONAL CONVENTIONS

#### AN ACT

Making an appropriation for the payment of expenses of delegates to national conventions of political parties recognized as such by the laws of the State 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 funds in the state treasury, not otherwise appropriated, a sum sufficient to pay the expenses of delegates to national political conventions in accordance with the provisions of section 16-17181 of the 1949 Supplement, in the amount audited by the state auditing board.

Approved February 19, 1951.

## CHAPTER 8

S. B. No. 22  
(Committee on Appropriations)

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PENSION FOR MINOR CHILD OF JOHN E. CRITES

AN ACT

Making an appropriation for a pension for Dennis Duane Crites, minor child of National Guardsman, John E. Crites.

*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 \$66.00, or so much thereof as may be necessary for paying a pension to Dennis Duane Crites, minor child of John E. Crites, in accordance with Sections 37-1101 to 37-1104, inclusive, of the 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 eleven dollars (\$11.00) per month for the period beginning July 1, 1951, and ending January 3, 1952.

Approved February 22, 1951.

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CHAPTER 9

H. B. No. 521  
(Committee on Appropriations)

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PRESIDENTIAL ELECTORS

AN ACT

Making an appropriation to pay the expenses and per diem of Presidential Electors.

*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 \$600.00 for the biennium, or so much thereof as may be necessary to pay the expenses and per diem of Presidential Electors as provided for in Section 16-1605 of the North Dakota Revised Code of 1943.

Approved February 19, 1951.

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CHAPTER 10

H. B. No. 508  
(Committee on Appropriations)

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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 \$7,000.00, for the biennium beginning July 1, 1951, and ending June 30, 1953, 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 February 19, 1951.

## CHAPTER 11

H. B. No. 588  
(Bubel and Hafner)

## REIMBURSEMENT DUNN COUNTY

## AN ACT

Making an appropriation to reimburse Dunn County in the sum of one thousand one hundred thirteen dollars and twenty-five cents, 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 one thousand one hundred thirteen dollars and twenty-five cents, or so much thereof as may be necessary, out of any moneys now in the state treasury, not otherwise appropriated, to reimburse Dunn County, North Dakota, for moneys inadvertently remitted to the state by the officers of Dunn County, which moneys were and are, in fact, moneys belonging to said Dunn County and cities, villages, and school districts therein. Said sum shall be paid to said Dunn County upon presentation of duly verified vouchers presented to the state auditor.

§ 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, 1951.

## CHAPTER 12

S. B. No. 83  
(Dahl)

## GRIGGS COUNTY REIMBURSEMENT

## AN ACT

Making an appropriation to reimburse Griggs county in the sum of two thousand six hundred ninety-nine dollars and six cents, 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 two thousand six hundred ninety-nine dollars and six

cents, or so much thereof as may be necessary, out of any moneys in the state treasury, not otherwise appropriated, to reimburse Griggs County, North Dakota, for moneys inadvertently remitted to the state by the officers of Griggs county. Said sum shall be paid upon presentation of duly verified vouchers to the state auditor.

§ 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 23, 1951.

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CHAPTER 13

H. B. No. 583  
(Bubel)

---

REIMBURSEMENT OLIVER COUNTY

AN ACT

Making an appropriation to reimburse Oliver county in the sum of one thousand one hundred forty-four dollars and sixty-nine cents, 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 one thousand one hundred forty-four dollars and sixty-nine cents, or so much thereof as may be necessary, out of any moneys in the state treasury, not otherwise appropriated, to reimburse Oliver county, North Dakota, for moneys inadvertently remitted to the state by the officers of Oliver County. Said sum shall be paid upon presentation of duly verified vouchers to the state auditor.

§ 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, 1951.

## CHAPTER 14

H. B. No. 593  
(Lee, Esterby, Poling)

## REIMBURSEMENT WILLIAMS COUNTY

## AN ACT

Making an appropriation to reimburse Williams county in the sum of seven thousand four hundred nine dollars and ninety cents, 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 seven thousand four hundred nine dollars and ninety cents, or so much thereof as may be necessary, out of any moneys now in the state treasury, not otherwise appropriated, to reimburse Williams county, North Dakota, for moneys inadvertently remitted to the state by the officers of Williams county, which moneys were and are, in fact, moneys belonging to said Williams county and the cities, villages, school districts and townships therein. Said sum shall be paid to said Williams county upon presentation of duly verified vouchers presented to the state auditor.

§ 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, 1951.

## CHAPTER 15

H. B. No. 690  
(Fitch, Lillehaugen and Halcrow)

INSTRUCTION IN NATURE OF ALCOHOLIC DRINKS  
AND NARCOTICS AND THEIR EFFECT UPON THE  
HUMAN BODY

## AN ACT

Making an appropriation for the expenses for the Department of Public Instruction in setting up courses of instruction concerning the nature of alcoholic drinks and narcotics, and their effect upon the human body.

*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 equalization fund, not otherwise appropriated, the sum of twenty thousand (\$20,000.00) dollars, or so much thereof as may be necessary, for the payment of necessary expenses of the Department of Public Instruction in setting up a special and thorough course of instruction for the public schools of the state, concerning the nature of alcoholic drinks and narcotics and their effects upon the human system, as provided for in section 15-3807 of the North Dakota Revised Code of 1943.

Approved March 7, 1951.

## CHAPTER 16

S. B. No. 29  
(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 \$200,000.00, 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 1, 1951, and ending June 30, 1953.

Approved February 22, 1951.

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CHAPTER 17

S. B. No. 14  
(Committee on Appropriations)

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BOARD OF SCHOOL DISTRICT REORGANIZATION

AN ACT

**Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Board of School District Reorganization.**

*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, not otherwise appropriated, the sum of \$10,000.00, or so much thereof as may be necessary for the maintenance and operation of the Board of School District Reorganization, as provided for in Chapter 147, Session Laws of 1947, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

State and County Committees .....	\$ 7,500.00
Clerkhire .....	2,000.00
Miscellaneous .....	500.00
	<hr/>
Total .....	\$ 10,000.00

§ 2. REVERSION.) Any moneys heretofore appropriated to the Board of School District Reorganization, not expended by July 1, 1951, shall revert to the State Equalization Fund.

Approved March 5, 1951.

CHAPTER 18

S. B. No. 13  
 (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 \$25,800.00 for administrative expenses and the sum of \$12,384,000.0 for state aid of the State Equalization Fund, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

STATE EQUALIZATION FUND — ADMINISTRATION

Salary — Director .....	\$ 9,600.00
Clerkhire .....	13,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	2,200.00
Travel Expense .....	1,000.00
<b>Total .....</b>	<b>\$ 25,800.00</b>

STATE EQUALIZATION FUND — ADMINISTRATION

Emergency .....	\$ 650,000.00
Resident, Non-resident & Out-of-State High School Tuition .....	6,150,000.00
Resident Elementary Aid .....	4,500,000.00
Resident High School Aid .....	900,000.00
Vocational Agriculture .....	65,000.00
Vocational Home Economics .....	80,000.00
Occupational Information & Guidance .....	15,000.00
Business Education .....	12,000.00
Institutional on-farm training refund .....	12,000.00
<b>Total .....</b>	<b>\$12,384,000.00</b>

Approved March 7, 1951.

## CHAPTER 19

H. B. No. 530  
(Committee on Appropriations)

## TEACHERS' INSURANCE AND RETIREMENT FUND

## AN ACT

Making an appropriation for the purpose of operating and maintaining 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 any moneys in the state treasury in the Teachers' Insurance and Retirement Fund, the sum of \$52,900.00 for the purpose of operating and maintaining the Teachers' Insurance and Retirement Fund, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salary — Executive Secretary .....	\$ 8,400.00
Clerkhire .....	24,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	8,000.00
Miscellaneous .....	2,000.00
Travel Expense .....	3,000.00
Audit .....	2,000.00
Actuary .....	3,000.00
Rent & Maintenance .....	2,500.00
Total .....	\$ 52,900.00

Approved March 7, 1951.

## CHAPTER 20

S. B. No. 33  
(Committee on Appropriations)

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## TEACHERS' INSURANCE AND RETIREMENT FUND, DEFICIENCY

## AN ACT

Making an appropriation for the purpose of paying a deficiency in the rent and maintenance of the Teachers' Insurance and Retirement Fund; 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 in the Teachers' Insurance and Retirement Fund, the sum of \$800.00, or so much thereof as may be necessary for the purpose of paying a deficiency in the rent and maintenance of the Teachers' Insurance and Retirement Fund, for the biennium ending June 30, 1951.

§ 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 21, 1951.

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## CHAPTER 21

S. B. No. 19  
(Committee on Appropriations)

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DIVISIONS OF VOCATIONAL REHABILITATION  
AND VOCATIONAL EDUCATION

## AN ACT

Making appropriations for the Divisions of Vocational Rehabilitation and Vocational Education.

*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

\$105,000.00, or so much thereof as may be necessary for the vocational rehabilitation of disabled persons, to be matched the State Equalization Fund in the state treasury, the sum of penses, including salaries, travel, office supplies, etc., are paid with a like amount of federal funds; (all administrative ex-100% from federal funds), and the sum of \$1,500.00, or so much thereof as is necessary for Vocational Education, for the biennium beginning July 1, 1951, and ending June 30, 1953.

Approved February 21, 1951.

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CHAPTER 22

S. B. No. 132  
(Solberg by request)

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ATTORNEY GENERAL INSPECTOR LICENSE FUND.  
REFUNDS

AN ACT

Making an appropriation for the purpose of refunding money erroneously paid into or credited to the Attorney General Inspector License 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 and credited to the Attorney General Inspector License Fund, the sum of \$500.00, or so much thereof as may be necessary, for the biennium beginning July 1, 1951, and ending June 30, 1953, to be used for the purpose of refunding money erroneously paid into or credited to the special fund known as the Attorney General Inspector License Fund.

Approved February 23, 1951.

CHAPTER 23

S. B. No. 12  
 (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 \$95,230.00, 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 1, 1951, and ending June 30, 1953, to-wit:

Clerkhire & Inspectors .....	\$ 63,480.00
Postage, Supplies, Printing, Furniture & Fixtures .....	4,500.00
Travel Expense .....	20,000.00
Miscellaneous .....	1,250.00
Hearing Expense .....	5,000.00
North Dakota OASIS .....	1,000.00
 Total .....	 \$ 95,230.00

Approved February 21, 1951.

## CHAPTER 24

S. B. No. 11  
(Committee on Appropriations)

## STATE AUDITOR — GASOLINE TAX DIVISION

## AN ACT

Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Gasoline Tax Division in the office of the State Auditor.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the Motor Vehicle Fuel Taxes collected under Section 57-4106 of the North Dakota Revised Code of 1943, not otherwise appropriated, the sum of \$146,000.00, or so much thereof as may be necessary, to be set aside in the state treasury, for the purpose of defraying the expenses of the maintenance and operation of the Gasoline Tax Division in the office of the state auditor, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Clerkhire .....	\$ 96,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	15,000.00
Travel Expense .....	18,000.00
Miscellaneous .....	2,000.00
Emergency .....	15,000.00
<b>Total .....</b>	<b>\$ 146,000.00</b>

Approved February 21, 1951.

CHAPTER 25

S. B. No. 28  
 (Committee on Appropriations)

STATE BONDING BOARD

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 in the state treasury, the sum of \$19,580.00, 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 1, 1951, and ending June 30, 1953, to-wit:

Salary — Manager .....	\$ 3,600.00
Salaries .....	8,500.00
Postage, Supplies, Printing, Furniture & Fixtures .....	2,500.00
Miscellaneous .....	800.00
Investigations & Travel .....	2,000.00
Emergency .....	500.00
Transfer to General Fund for Assistant Attorney General's Salary .....	1,680.00
<b>Total .....</b>	<b>\$ 19,580.00</b>

Approved March 3, 1951.

## CHAPTER 26

S. B. No. 1  
(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 school 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 1, 1951, and ending June 30, 1953, to-wit:

§ 3. APPROPRIATIONS.)

Subdivision 1.

## EXECUTIVE OFFICE

Salary — Governor .....	\$ 12,000.00
Clerkhire:	
Secretary & Other Employees .....	20,300.00
Postage, Supplies, Printing	
Furniture & Fixtures .....	2,500.00
Miscellaneous .....	1,800.00
Travel Expense .....	3,000.00

Governor's Contingent .....	3,000.00
Council of State Governments .....	4,000.00
	<hr/>
Total .....	\$ 46,600.00

## Subdivision 2.

## LIEUTENANT GOVERNOR

Salary — Lieutenant Governor .....	\$ 2,000.00
	<hr/>
Total .....	\$ 2,000.00

## Subdivision 3.

## SUPREME COURT

Salary — 5 Judges of Supreme Court .....	\$ 75,000.00
Clerk of Supreme Court .....	8,000.00
Judges Stenographer Secretaries .....	24,000.00
Miscellaneous .....	700.00
Postage, Supplies, Printing, Furniture & Fixtures .....	2,000.00
Travel Expense .....	750.00
Old Age & Survivor Insurance System .....	300.00
Retirement of Supreme Court Judges .....	19,500.00
	<hr/>
Total .....	\$130,250.00

## Subdivision 4.

## SUPREME COURT REPORTER AND LAW LIBRARIAN

Salary .....	\$ 8,000.00
Postage, Supplies, Printing Furniture & Fixtures .....	600.00
Miscellaneous .....	350.00
Purchase of Books, Law Reviews, Etc. ....	5,250.00
Publishing North Dakota Reports .....	6,250.00
	<hr/>
Total .....	\$ 20,450.00

## Subdivision 5.

## JUDGES OF DISTRICT COURTS

Salary, 15 Judges .....	\$180,000.00
Expenses .....	18,000.00
Retirement of District Judges .....	10,000.00
	<hr/>
Total .....	\$208,000.00

## Subdivision 6a.

## SECRETARY OF STATE

Salary — Secretary of State .....	\$ 6,600.00
Salary — Deputy .....	8,000.00
Clerkhire .....	24,200.00
Postage, Supplies, Printing, Furniture & Fixtures .....	11,000.00
Legislative Assistance (To become available immediately upon passage) .....	800.00
Miscellaneous .....	1,500.00
Travel Expense .....	750.00
Register of Deeds Recording Fees .....	400.00
<b>Total .....</b>	<b>\$ 53,250.00</b>

## Subdivision 6b.

## SECRETARY OF STATE — PUBLIC PRINTING

Legal Notices .....	\$ 500.00
1951 Session Laws .....	9,000.00
Vote Tabulation Form .....	1,000.00
Postage, Publicity Pamphlet .....	6,000.00
Binding Public Documents .....	2,700.00
Publicity Pamphlet .....	14,900.00
Notary Public & Contractors' License Forms & Related Printing .....	400.00
<b>Total .....</b>	<b>\$ 34,500.00</b>

## Subdivision 7.

## STATE AUDITOR

Salary — State Auditor .....	\$ 6,600.00
Salary — Deputy .....	8,000.00
Clerkhire .....	40,000.00
Postage, Supplies, Printing Furniture & Fixtures .....	6,000.00
Travel Expense .....	1,000.00
Miscellaneous .....	1,100.00
Supplies for Departments & Counties .....	1,000.00
Oleomargarine Stamps .....	3,000.00
<b>Total .....</b>	<b>\$ 66,700.00</b>

## Subdivision 8a.

## STATE TREASURER

Salary — State Treasurer .....	\$ 6,600.00
Salary — Deputy .....	8,000.00

Clerkhire .....	46,500.00
Supplies, Postage, Printing	
Furniture & Fixtures .....	5,500.00
Miscellaneous .....	2,500.00
Travel Expense .....	500.00
	<hr/>
Total .....	\$ 69,600.00

Subdivision 8b.

STATE TREASURER — LIQUOR CONTROL

Clerkhire .....	\$ 13,000.00
Postage, Supplies, Printing,	
Furniture & Fixtures .....	900.00
Miscellaneous .....	850.00
Travel Expense .....	2,000.00
Liquor Stamps .....	16,000.00
	<hr/>
Total .....	\$ 32,750.00

Subdivision 9a.

COMMISSIONER OF INSURANCE

Salary — Commissioner .....	\$ 6,600.00
Salary — Deputy .....	8,000.00
Salary — Actuary .....	12,000.00
Salary — Assistant Actuary .....	7,200.00
Clerkhire .....	30,000.00
Postage, Supplies, Printing,	
Furniture & Fixtures .....	10,000.00
Miscellaneous .....	1,700.00
Investigaion of Unauthorized Companies ...	1,500.00
Travel Expense .....	4,000.00
Domestic Examiners .....	12,000.00
Convention Examiners .....	22,500.00
	<hr/>
Total .....	\$115,500.00

Subdivision 9b.

STATE FIRE MARSHAL

(COMMISSIONER OF INSURANCE)

Salary — Deputy Fire Marshals .....	\$ 16,000.00
Clerkhire .....	6,000.00
Postage, Supplies, Printing,	
Furniture & Fixtures .....	1,200.00
Miscellaneous .....	500.00
Travel Expense .....	7,500.00

Fees to Fire Chiefs .....	700.00
Arson Hearing Fund .....	500.00
Total .....	\$ 32,400.00

## Subdivision 10.

## ATTORNEY GENERAL

Salary — Attorney General .....	\$ 10,000.00
Salary — Assistant Attorneys General .....	52,200.00
Clerkhire .....	20,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	5,000.00
Miscellaneous .....	1,800.00
Travel Expense .....	2,500.00
Library .....	1,500.00
Miscellaneous Court Cases .....	3,000.00
Total .....	\$ 96,000.00

## Subdivision 11a.

## DEPARTMENT OF PUBLIC INSTRUCTION

Salary Superintendent .....	\$ 10,000.00
Salary — Deputy .....	9,600.00
Clerkhire .....	79,000.00
Commodity Man .....	4,800.00
Travel Expense .....	9,500.00
Postage, Supplies, Printing, Furniture, Fixtures & Freight .....	40,000.00
Courses of Study & Bulletin No. 5 .....	14,000.00
High School & Eighth Grade Examination ....	17,500.00
Teachers' Meetings .....	1,500.00
Correcting Papers .....	1,500.00
Miscellaneous .....	3,600.00
Total .....	\$191,000.00

## Subdivision 11b.

DEPARTMENT OF PUBLIC INSTRUCTION  
COUNTY AGRICULTURAL SCHOOLS — STATE AID

Benson County Agric. School, Maddock .....	\$ 17,500.00
Walsh County Agric. School, Park River .....	25,000.00
Total .....	\$ 42,500.00

## Subdivision 12a.

## DEPARTMENT OF AGRICULTURE AND LABOR

Salary — Commissioner .....	\$ 6,600.00
Salary — Deputy (Labor) .....	8,000.00
Salary — Deputy (Dairy) .....	8,000.00
Clerkhire .....	100,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	19,500.00
Miscellaneous .....	3,430.00
Travel Expense .....	38,000.00
Hearings .....	1,000.00
Auto Exchange .....	1,200.00
Old Age & Survivors Insurance .....	1,120.00
<b>Total</b> .....	<b>\$186,850.00</b>

## Subdivision 12b.

DEPARTMENT OF AGRICULTURE AND LABOR  
PREDATORY ANIMAL & RODENT CONTROL

Predatory Animal & Rodent Control .....	\$ 35,000.00
<b>Total</b> .....	<b>\$ 35,000.00</b>

## Subdivision 12c.

DEPARTMENT OF AGRICULTURE AND LABOR —  
RUST CONTROL

Barberry Eradication .....	\$ 10,000.00
<b>Total</b> .....	<b>\$ 10,000.00</b>

## Subdivision 13a.

## PUBLIC SERVICE COMMISSION

Salary — Commissioners (3) .....	\$ 19,800.00
Clerkhire .....	115,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	7,000.00
Miscellaneous .....	3,000.00
Travel Expense .....	10,000.00
Workmen's Compensation .....	250.00
Handling Interstate Commerce Commission Cases .....	14,000.00
Cases before Federal Power Commission & Federal Communications Commission .....	5,000.00
National Association of Railroad & Utilities Commissioners .....	1,800.00

Research Data .....	600.00
<b>Total .....</b>	<b>\$176,450.00</b>

## Subdivision 13b.

**PUBLIC SERVICE COMMISSION  
ELEVATOR DEPARTMENT**

Clerkhire .....	\$ 19,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	1,800.00
Miscellaneous .....	450.00
Travel Expense & Car Exchange .....	3,500.00
Workmen's Compensation .....	20.00
<b>Total .....</b>	<b>\$ 24,770.00</b>

## Subdivision 13c.

**PUBLIC SERVICE COMMISSION  
DEPARTMENT OF WEIGHTS AND MEASURES**

Clerkhire .....	\$ 48,500.00
Postage, Supplies, Printing, Furniture & Fixtures .....	2,000.00
Miscellaneous .....	2,000.00
Travel Expense .....	22,000.00
License Plates, Scales, etc. ....	2,500.00
Field Testing Equipment .....	3,500.00
Refunds .....	125.00
Workmen's Compensation .....	165.00
Trucks & Maintenance .....	10,000.00
<b>Total .....</b>	<b>\$ 90,790.00</b>

## Subdivision 13d.

**PUBLIC SERVICE COMMISSION  
UTILITY VALUATION**

Services & Expenses .....	\$ 25,000.00
<b>Total .....</b>	<b>\$ 25,000.00</b>

## Subdivision 14.

**AERONAUTICS COMMISSION**

Salary — Director .....	\$ 9,600.00
Commissioners' Per Diem & Clerkhire .....	18,600.00
Travel Expense .....	6,000.00
Supplies, Postage & Sign Fixtures .....	3,000.00

Fixed Charges, Maintenance & Miscellaneous	6,500.00
<b>Total</b>	<b>\$ 43,700.00</b>

Subdivision 15.

LAND COMMISSIONER

Salary - Commissioner	\$ 10,000.00
Salary - Deputy	8,000.00
Clerkhire	60,000.00
Postage, Supplies, Printing, Furniture & Fixtures	7,500.00
Miscellaneous	800.00
Travel Expense	20,000.00
Leasing	2,500.00
Premium on Bonds	500.00
Surveying	1,000.00
Fieldmen's Salary	29,400.00
<b>Total</b>	<b>\$139,700.00</b>

Subdivision 16.

TAX COMMISSIONER

Salary — Tax Commissioner	\$ 9,600.00
Salary — Deputy	8,400.00
Clerkhire — includes Office Force Deputies & Field Auditors	295,000.00
Postage, Supplies, Printing, Furniture & Fixtures	95,000.00
Miscellaneous	10,000.00
Travel Expense — Field Auditors	42,000.00
Revenue Stamps	27,000.00
Travel Expense — Department General	2,000.00
<b>Total</b>	<b>\$489,000.00</b>

Subdivision 17.

BOARD OF ADMINISTRATION

Salary — Chairman & Members	\$ 27,000.00
Other Employees	256,000.00
Capitol Maintenance	126,276.00
Postage, Supplies, Printing, Furniture & Fixtures	5,000.00
Improvements & Repairs	19,810.00
Miscellaneous	13,200.00
Travel Expense	4,000.00
Equipment — Yard	500.00

Elevator — Memorial Building .....	20,000.00
Memorial Building — Architects Service .....	2,000.00
Remodeling House Committee Rooms .....	2,000.00
Panel for House Roll Call System .....	4,250.00
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Total .....	\$480,036.00

## Subdivision 18.

## STATE SEED DEPARTMENT

Seed Analyst .....	8,600.00
Assistant Seed Analysts .....	12,900.00
Travel Expense .....	1,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	2,000.00
Miscellaneous .....	500.00
	<hr/>
Total .....	\$ 25,000.00

## Subdivision 19.

## STATE INDUSTRIAL COMMISSION

Salary — Secretary .....	\$ 840.00
Postage, Supplies & Printing .....	250.00
Miscellaneous .....	100.00
	<hr/>
Total .....	\$ 1,190.00

## Subdivision 20.

## STATE LIBRARY COMMISSION

Salary — Director .....	\$ 8,000.00
Clerkhire .....	42,500.00
Postage, Supplies, Printing, Furniture & Fixtures .....	5,500.00
Miscellaneous .....	1,500.00
Travel Expense .....	2,000.00
Aid to Libraries .....	500.00
Books, Binding & Repair .....	12,000.00
	<hr/>
Total .....	\$ 72,000.00

## Subdivision 21.

## STATE PRINTER

Salary — State Printer .....	\$ 8,000.00
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Clerkhire .....	4,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	575.00
Travel Expense .....	300.00
Miscellaneous .....	200.00
<b>Total .....</b>	<b>\$ 13,075.00</b>

Subdivision 22a.

ADJUTANT GENERAL

Salary — Adjutant General .....	\$ 8,000.00
Salary — Assistant Adjutant General .....	8,000.00
Clerkhire .....	17,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	2,500.00
Miscellaneous .....	500.00
Travel Expense .....	400.00
<b>Total .....</b>	<b>\$ 36,400.00</b>

Subdivision 22b.

NATIONAL GUARD OR STATE GUARD

Maintenance of the National or State Guard ....	\$188,562.00
<b>Total .....</b>	<b>\$188,562.00</b>

Subdivision 23.

LEGISLATIVE RESEARCH COMMITTEE

Legislative Research .....	\$ 40,000.00
<b>Total .....</b>	<b>\$ 40,000.00</b>

Subdivision 24.

33rd LEGISLATIVE ASSEMBLY

Mileage & Per Diem — Members .....	\$ 60,000.00
Per Diem — Employees .....	50,000.00
Printing .....	45,000.00
Miscellaneous .....	9,000.00
Expense — Members .....	100,000.00
Janitor Service .....	2,500.00
<b>Total .....</b>	<b>\$266,500.00</b>

## Subdivision 25.

## PARDON BOARD

Salary — Secretary .....	\$ 600.00
Salary — Members & Expense .....	750.00
Investigations .....	1,000.00
	<hr/>
Total .....	\$ 2,350.00

## 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
	<hr/>
Total .....	\$ 3,000.00

## Subdivision 27.

## STATE BUDGET DIRECTOR

Salary — Budget Director & Clerkhire .....	\$ 16,200.00
Travel & Maintenance Expense .....	3,000.00
Office Equipment .....	400.00
Miscellaneous .....	500.00
Technical Advice .....	5,000.00
	<hr/>
Total .....	\$ 25,100.00

## Subdivision 28.

## REWARD FOR APPREHENSION OF CRIMINALS

Reward for the Apprehension of Criminals ....	\$ 1,000.00
	<hr/>
Total .....	\$ 1,000.00

## Subdivision 29a.

## STATE EXAMINER

Salary — State Examiner .....	\$ 10,000.00
Clerkhire .....	153,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	6,000.00
Miscellaneous .....	2,100.00
Travel Expense .....	42,500.00

State Banking Board, Section 6-0103, North Dakota Revised Code of 1943 .....	500.00
State Credit Union Board, Section 9, Chapter 143, Session Laws of 1945 .....	500.00
<b>Total</b> .....	<b>\$214,600.00</b>

Subdivision 29b.

STATE SECURITIES COMMISSION

Salary — Secretary .....	\$ 2,400.00
Clerkhire .....	2,400.00
Postage, Supplies, Printing, Furniture & Fixtures .....	1,250.00
Miscellaneous .....	500.00
Travel Expense .....	1,000.00
Investigations .....	500.00
<b>Total</b> .....	<b>\$ 8,050.00</b>

Subdivision 30.

STATE BOARD OF HIGHER EDUCATION

Salary — Commissioner .....	\$ 16,000.00
Salary — Auditor .....	7,400.00
Other Employees .....	13,600.00
Postage, Supplies, Printing, Furniture & Fixtures .....	2,100.00
Miscellaneous .....	\$ 1,100.00
Travel Expense .....	2,500.00
Members — Per Diem .....	6,000.00
Members Travel .....	6,000.00
<b>Total</b> .....	<b>\$ 54,700.00</b>
<b>Grand Total</b> .....	<b>\$3,794,323.00</b>

§ 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 holding shall not affect or be construed to apply to the remaining items of appropriation herein or purposes provided for herein.

§ 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 on such items as are herein designated to be made available immediately on passage.

Approved March 7, 1951.

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CHAPTER 27

S. B. No. 18  
(Committee on Appropriations)

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STATE EXAMINER — CLOSED BANK FUND

AN ACT

Making an appropriation to carry out the provisions of Chapter 6-07 of the 1947 Supplement to the North Dakota Revised Code of 1943 for the Closed Bank Fund.

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the closed bank fund in the state treasury, the sum of \$4,000.00, or so much thereof as may be necessary to carry out the provisions of Chapter 6-07 of the 1947 Supplement to the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1951, and ending June 30, 1953.

Approved February 21, 1951.

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CHAPTER 28

H. B. No. 505  
(Committee on Appropriations)

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COAL MINE INSPECTOR

AN ACT

Making an appropriation for the purpose of paying salary, clerk-hire 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 \$20,250.00, or so much thereof as is necessary to pay

salary, clerkhire, per diem and general expenses of the coal mine inspector and for coal mine safety work as provided for in Chapters 38-03 and 38-04 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salary — Inspector .....	\$ 9,000.00
Clerkhire .....	4,200.00
Postage, Supplies, Printing, Furniture & Fixtures .....	1,500.00
Miscellaneous .....	400.00
Travel & Auto Expense .....	2,500.00
Examining Board .....	350.00
Auditing Board .....	300.00
Coal Mine Safety Fund — Services .....	1,000.00
Coal Mine Safety Fund — Expenses .....	1,000.00
 Total .....	 \$ 20,250.00

Approved February 19, 1951.

CHAPTER 29

H. B. No. 506  
(Committee on Appropriations)

EMERGENCY COMMISSION — 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 and 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 \$500,000.00, or so much thereof as may be necessary to provide funds for the state emergency commission, including the payment of per diem and expenses to the legislative members of the Commission, and which fund shall be known as the state contingency fund and be for the purposes authorized under Section 54-1601 to 54-1604, inclusive, and 54-1606 and

also Section 54-1609 of the North Dakota Revised Code of 1943, and for civil defense, for the biennium beginning July 1, 1951, and ending June 30, 1953.

Approved March 7, 1951.

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CHAPTER 30

S. B. No. 27  
(Committee on Appropriations)

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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 tronado fund in the state treasury, the sum of \$69,780.00, or so much thereof as may be necessary to maintain and operate the state fire and tornado fund of the state of North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salary — Manager .....	\$ 3,600.00
Other Salaries .....	22,500.00
Postage, Supplies, Printing, Furniture & Fixtures .....	3,500.00
Miscellaneous .....	4,000.00
Risk Inspection & Travel .....	14,000.00
Premium Refunds — Fire .....	2,500.00
Premium Refunds — Extended Coverage ....	1,000.00
Adjusting Expense .....	17,000.00
Transfer to General Fund for Assisant Attorney General's Salary .....	1,680.00
Total .....	<u>\$ 69,780.00</u>

Approved March 6, 1951.

CHAPTER 31

H. B. No. 532  
 (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 \$653,340.00, 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 1, 1951, and ending June 30, 1953, and for the establishment of the Baldhill development revolving fund, to-wit:

Administration:

1. Salary Commissioner .....	\$ 9,600.00
2. Salary Deputy Commissioner .....	8,400.00
3. Clerkhire .....	20,600.00
4. Travel .....	8,000.00
5. General & Audit .....	29,400.00

Game Management:

1. Salaries .....	35,000.00
2. Travel .....	6,000.00
3. General .....	49,000.00

Enforcement:

1. Salaries .....	118,600.00
2. Travel .....	82,000.00
3. General .....	7,500.00

Fish Management:

1. Salaries .....	44,000.00
2. Travel .....	18,000.00

3. General .....	37,640.00
Land Management:	
1. Salaries .....	16,800.00
2. Travel .....	4,000.00
3. General .....	5,800.00
Public Relations:	
1. Salaries .....	29,000.00
2. Travel .....	8,000.00
3. General .....	31,000.00
Dam Construction .....	25,000.00
Emergency .....	50,000.00
Baldhill Development Revolving Fund .....	10,000.00
Total .....	\$ 653,340.00

§ 2.) The appropriation made in this Act for the Baldhill development project shall constitute a revolving fund and there is hereby appropriated to such fund all sums received as reimbursement from the federal government for expenditures made.

Approved March 7, 1951.

CHAPTER 32

H. B. No. 533

(Committee on Appropriations)

GAME AND FISH DEPARTMENT  
PREDATORY ANIMAL AND RODENT CONTROL

AN ACT

Making an appropriation to the Game and Fish Department to be expended for predatory animal and rodent control under the supervision of the director of predatory animal control.

*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 game and fish fund, not otherwise appropriated, to the game and fish department the sum of \$22,500.00, for predatory animal and rodent control under the supervision of the director of predatory animal control.

Approved March 1, 1951.

CHAPTER 33

H. B. No. 523  
 (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 \$36,250.00, 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 1, 1951, and ending June 30, 1953, to-wit:

Salaries .....	\$ 22,500.00
Clerkhire .....	2,400.00
Postage, Supplies, Printing, Furniture & Fixtures .....	3,100.00
Miscellaneous .....	450.00
Travel Expense .....	5,000.00
Apparatus .....	1,500.00
New Cars .....	1,300.00
	<hr/>
Total .....	\$ 36,250.00

Approved March 1, 1951.

## CHAPTER 34

H. B. No. 720

(Bubel, Lillehaugen, Einarson and Link)

SURVEY, ETC., OF FEASIBILITY OF  
NORTH DAKOTA CEMENT PLANT

## AN ACT

Making an appropriation to pay for a continuation of the survey and investigation to determine the feasibility of establishing a cement plant in the state 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, not otherwise appropriated, the sum of twelve thousand dollars, to pay for a complete survey and investigation of limestone deposits in North Dakota by the North Dakota geological survey. The state geological survey is directed to report on their findings to the North Dakota Research Foundation which, in turn, will present a report covering the technical and economic features of the production of cement in North Dakota to the Thirty-third Legislative Assembly of the State of North Dakota, which report shall include all factors bearing upon the location of a cement plant, access to natural deposits needed for the manufacture and production of cement, access to transportation facilities, cost of construction of the plant, the best type of production, marketing data, and any and all other information that will aid in determining the feasibility of establishing a cement plant.

Approved March 7, 1951.

## CHAPTER 35

S. B. No. 26

(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 \$340,300.00, or so much thereof as may be necessary for the operation, maintenance and expenses of the State Hail Insurance Department of the State of North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salary — Manager .....	\$ 10,200.00
Clerkhire .....	82,000.00
Salary — Inspectors & Adjusters .....	32,000.00
Travel — Inspectors & Adjusters .....	32,000.00
Travel — Office .....	7,700.00
Postage, Supplies, Printing, Furniture & Fixtures .....	16,000.00
Listing Fees .....	70,000.00
Annual Audit .....	7,000.00
Advertising .....	5,000.00
Legal Publication .....	200.00
Legal Service .....	300.00
Miscellaneous .....	4,000.00
Emergency .....	70,000.00
Old Age & Survivors Insurance .....	1,500.00
Transfer to General Fund for Assistant Attorney General's Salary .....	2,400.00
<b>Total .....</b>	<b>\$ 340,300.00</b>

Approved March 3, 1951.

CHAPTER 36

H. B. No. 528

(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 1, 1951, and ending June 30, 1953, to-wit:

Salary — State Highway Commissioner to be fixed by the Governor, not exceeding ..\$	20,000.00
General Operating Expense .....	180,000.00
	\$ 200,000.00
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 expend 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 5, 1951.

CHAPTER 37

H. B. No. 529  
(Committee on Appropriations)

STATE HIGHWAY PATROL

AN ACT

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

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

§ 1. APPROPRIATION.) There is hereby appropriated out of the highway patrol fund in the state treasury, not otherwise appropriated, the sum of \$571,625.00, or so much thereof as is necessary for the operation, maintenance, equipment, supplies, outfitting of patrolmen, travel and miscellaneous expenses for the highway patrol branch of the state highway department, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salary — Superintendent .....	\$ 9,600.00
Salary — Assistant Superintendent .....	8,400.00
Salary — Patrolmen .....	288,000.00
Clerks, Bookkeepers & I. B. M. ....	23,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	14,000.00
Miscellaneous .....	15,000.00
Travel Expense .....	60,000.00
New Equipment .....	10,000.00
Training School & First Aid .....	1,500.00
Educational Program .....	4,000.00
Car Operation, Maintenance & Replacement	135,000.00
Audit .....	2,500.00
Old Age & Survivors Insurance .....	225.00
Revolving Fund .....	400.00
<b>Total .....</b>	<b>\$ 571,625.00</b>

Approved March 5, 1951.

## CHAPTER 38

S. B. No. 147  
(Committee on Appropriations)

PUBLIC HIGHWAYS AND BRIDGES  
MATCHING FEDERAL FUNDS

## AN ACT

Making an appropriation of \$5,000,000.00 for the purpose of matching federal funds allocated or to be allocated to the State of North Dakota for the purpose of construction and reconstruction of the public highways and bridges within the state.

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

§ 1. APPROPRIATION.) There is hereby appropriated and transferred from any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$5,000,000.00 to the Highway Special Construction Fund for the purpose of matching 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 the aid of construction and reconstruction of public highways and bridges within the state, including feeder highways and bridges.

Approved March 3, 1951.

## CHAPTER 39

H. B. No. 536  
(Legislative Research Committee)

## INTERNATIONAL PEACE GARDEN

## AN ACT

Making an appropriation to perfect title in the state of North Dakota to section thirty-six, township one hundred and sixty-four north, range seventy-three west, comprising a portion of the International Peace Garden.

*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 six thousand four hundred dollars to be expended

by the state historical society to perfect title in the State of North Dakota, upon the terms and conditions set forth in chapter 55-05 of the North Dakota Revised Code of 1943, to the real estate comprising all of section thirty-six, in township one hundred sixty-four north, of range seventy-three west, of the fifth principal meridian.

Approved March 5, 1951.

CHAPTER 40

H. B. No. 503  
(Committee on Appropriations)

STATE HISTORICAL SOCIETY AND STATE PARKS

AN ACT

Making an appropriation to the State Historical Society for salary, clerkhire and miscellaneous 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 \$93,430.00, 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 1, 1951, and ending June 30, 1953, to-wit:

STATE HISTORICAL SOCIETY

Salary — Superintendent .....	\$ 8,400.00
Clerkhire .....	27,540.00
Postage, Supplies, Printing, Furniture & Fixtures .....	5,500.00
Miscellaneous .....	800.00
Travel Expense .....	1,000.00
Museum .....	1,500.00
Books & Periodicals .....	1,000.00
Binding Newspapers .....	1,300.00
N. D. Old Age & Survivors Insurance .....	390.00

Historical & Archeological Field Work .....	2,000.00
Total .....	\$ 49,430.00

## STATE PARKS COMMITTEE

Technical & Clerical Service .....	2,000.00
Office Supplies .....	300.00
Miscellaneous .....	700.00
Travel Expense .....	1,100.00
Maintenance & Operation of North Dakota Parks .....	24,500.00
International Peace Garden .....	7,000.00
Development & Maintenance of Historic Sites .....	2,500.00
Whitestone Hill State Park .....	1,700.00
Purchase of Park Maintenance Equipment .....	4,000.00
Roosevelt Cabin Repair & Upkeep .....	200.00
Total .....	44,000.00
Grand Total .....	\$ 93,430.00

Approved March 7, 1951.

## CHAPTER 41

H. B. No. 525  
(Committee on Appropriations)

## NORTH DAKOTA INDIAN AFFAIRS COMMISSION

## AN ACT

Making an appropriation for the purpose of carrying out the provisions of Chapter 324, Session Laws of 1949.

*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 \$20,000.00, or so much thereof as may be necessary for the purpose of carrying out the provisions of Chapter 324, Session Laws of 1949, for the biennium beginning July 1, 1951, and ending June 30, 1953. Expenditures shall be made upon voucher signed by the secretary of the commission.

Approved March 5, 1951.

CHAPTER 42

H. B. No. 517  
(Committee on Appropriations)

STATE LABORATORIES DEPARTMENT

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 \$395,200.00, or so much thereof as may be necessary to pay salaries, operation, maintenance, general and miscellaneous expenses for the State Laboratories Department, for the bien-nium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salary — Director .....	\$ 9,600.00
Salary — Food Commissioner & Chemist ....	13,000.00
Clerkhire .....	248,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	40,000.00
Miscellaneous .....	8,000.00
Travel Expense .....	50,000.00
Samples .....	2,000.00
Rent .....	7,200.00
Telephone & Telegraph .....	1,900.00
Ice, Gas & Electricity .....	2,500.00
Freight, Dray & Express .....	8,000.00
Library .....	1,000.00
Workmen's Compensation .....	500.00
Cost of Auditing .....	2,500.00
Refunds .....	1,000.00
Total .....	<u>\$ 395,200.00</u>

Approved March 7, 1951.

## CHAPTER 43

S. B. No. 255  
(Committee on Appropriations)

THIRTY-SECOND LEGISLATIVE ASSEMBLY, ADDITIONAL  
PER DIEM AND MISCELLANEOUS

## AN ACT

Making an additional appropriation for the per diem - employees and miscellaneous of the Thirty-second 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 \$12,400.00, in addition to the amount already appropriated, for the Per Diem-Employees and Miscellaneous of the Thirty-second Legislative Assembly, to-wit:

Per Diem - Employees .....	\$10,000.00
Miscellaneous .....	2,400.00
Total .....	\$12,400.00

§ 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 1, 1951.

## CHAPTER 44

H. B. No. 502  
(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 \$251,200.00, 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 beginning July 1, 1951, and ending June 30, 1953, in the sums hereinafter named only, to-wit:

LIVESTOCK SANITARY BOARD

Salary — Executive Officer & State Veterinarian .....	\$ 12,000.00
Clerkhire .....	10,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	1,800.00
Miscellaneous .....	900.00
Services & Expenses Board's Agents .....	22,500.00
Compensation & Expense Board Members ....	1,400.00
Workmen's Compensation .....	1,000.00
Old Age & Survivors Insurance System .....	1,600.00
	<hr/>
Total .....	\$ 51,200.00

BANGS DISEASE FUND AND BOVINE TUBERCULOSIS FUND

Miscellaneous Expenses .....	\$ 200,000.00
	<hr/>
Total .....	\$ 200,000.00
	<hr/>
Grand Total .....	\$ 251,200.00

Approved March 5, 1951.

## CHAPTER 45

S. B. No. 32  
(Committee on Appropriations)

## LIVESTOCK SANITARY BOARD

## AN ACT

Making an appropriation to the livestock sanitary board for a deficiency in the Bangs Disease and Bovine Tuberculosis Fund; 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 \$30,000.00, or so much thereof as may be necessary for the purpose of paying a deficiency in the Bangs Disease and Bovine Tuberculosis Fund, for the biennium ending June 30, 1951.

§ 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 21, 1951.

## CHAPTER 46

H. B. No. 527  
(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 \$555,100.00, 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 1, 1951, and ending June 30, 1953, to-wit:

Salary .....	\$ 9,600.00
Clerkhire .....	200,000.00
75% Operating I. B. M. Machines .....	75,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	120,000.00
Miscellaneous .....	4,000.00
Travel Expense .....	1,500.00
License Plates .....	110,000.00
Refunds .....	1,000.00
State Board of Auditor's Fund .....	4,000.00
Emergency for License Plates & Postage ....	30,000.00
<b>Total .....</b>	<b>\$ 555,100.00</b>

Approved March 5, 1951.

CHAPTER 47

S. B. No. 24  
(Committee on Appropriations)

OLD AGE AND SURVIVOR INSURANCE SYSTEM

AN ACT

Making an appropriation to pay the costs of the administration of the Old Age and Survivor Insurance System.

*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 Old Age and Survivor Insurance System Fund, not otherwise appropriated, the sum of \$31,500.00, or so much thereof as may be necessary to pay the costs of the administration of the Old Age and Survivor Insurance System, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Personal Services .....	\$ 20,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	5,000.00
Travel Expense .....	3,000.00

Miscellaneous .....	500.00
Audit .....	3,000.00
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Total .....	\$ 31,500.00

Approved February 21, 1951.

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CHAPTER 48

S. B. No. 25  
(Committee on Appropriations)

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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 \$75,190.00, or so much thereof as may be necessary for the operation, maintenance and miscellaneous expenses of the Poultry Improvement Board, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salary — Executive Secretary .....	\$ 8,400.00
Clerkhire .....	14,880.00
Postage, Supplies, Furniture & Fixtures .....	3,850.00
Miscellaneous .....	1,500.00
Travel Expense .....	4,000.00
Compensation & Expense — Board Members .....	1,560.00
Tags, Bands & Antigen .....	4,500.00
Bureau of Agricultural Economics .....	1,000.00
Poultry Shows .....	500.00
Fieldmen .....	25,000.00
Emergency .....	10,000.00
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Total .....	\$ 75,190.00

Approved February 21, 1951.

CHAPTER 49

H. B. No. 504  
 (Committee on Appropriations)

PUBLIC HEALTH DEPARTMENT

AN ACT

Making an appropriation for the operating and maintenance expenses of the Public Health 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 \$399,006.00, or so much thereof as is necessary to pay the salaries, clerkhire and all miscellaneous items and expenses of the Public Health Department and its related agencies, and in collaboration with Federal Funds, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

PUBLIC HEALTH DEPARTMENT

Salary — State Health Officer .....	\$ 20,000.00
Salary — Other Personnel .....	278,906.00
Postage, Supplies, Printing, Furniture & Fixtures .....	38,600.00
Miscellaneous .....	8,000.00
Travel Expense .....	22,500.00
Card Indexing .....	3,000.00
Clinic & Case Finding Services .....	10,000.00
Oral Hygiene .....	14,000.00
Laboratory Serology .....	4,000.00
<b>Total .....</b>	<b>\$ 399,006.00</b>

Approved March 7, 1951.

## CHAPTER 50

S. B. No. 15  
(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 \$111,235.00, 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 the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Clerkhire .....	\$ 60,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	4,000.00
Miscellaneous .....	1,200.00
Travel Expense .....	34,000.00
Workmen's Compensation .....	135.00
Refunds .....	1,000.00
Clerkhire, Postage, Supplies, Printing, Furniture & Fixtures to be used for additional licensing of motor vehicles carrying property .....	10,900.00
Total .....	\$ 111,235.00

Approved March 6, 1951.

CHAPTER 51

S. B. No. 16  
(Committee on Appropriations)

PUBLIC SERVICE COMMISSION  
LIVESTOCK DEALERS DIVISION

AN ACT

Making an appropriation for salaries and expenses of the Livestock Dealers Division.

*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 \$17,335.00, 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 the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Clerkhire .....	\$ 11,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	1,000.00
Miscellaneous .....	250.00
Travel Expense .....	4,800.00
Workmen's Compensation .....	35.00
Refunds .....	250.00
 Total .....	 \$ 17,335.00

Approved February 21, 1951.

CHAPTER 52

S. B. No. 210  
(Day)

PUBLIC UTILITY VALUATION FUND

AN ACT

Making an appropriation to the public utility valuation fund and declaring an emergency.

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

§ 1. APPROPRIATION.) There is hereby appropriated and transferred out of any moneys in the state treasury, not otherwise appropriated, to the public utility valuation fund created by chapter 276 of the 1945 Session Laws for the use of the public utility division of the public service commission as provided in section 49-0618 of the North Dakota Revised Code of 1943 in the sum of fifteen thousand dollars.

§ 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, 1951.

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CHAPTER 53

H. B. No. 524  
(Committee on Appropriations)

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PUBLIC WELFARE BOARD

AN ACT

Making an appropriation for the disbursement by the Public Welfare Board in providing public assistance to dependent children and to needy blind and providing child welfare services and services to crippled children, also providing assistance to the needy aged and general assistance for relief to destitute and necessitous persons, emergency relief to Indians, aid to permanently and totally disabled, and for the necessary costs of administration of all of the programs above mentioned.

*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 \$8,006,200.00, or so much thereof as may be necessary, to be expended by the Public Welfare Board in providing public assistance to dependent children and to needy blind and providing child welfare services and services to crippled children, also for providing assistance to the needy aged and general assistance for relief to destitute and necessitous persons, emergency relief to Indians, aid to permanently and totally disabled, and for the necessary costs of administration of all of the programs above mentioned, for the biennium beginning July 1, 1951,

and ending June 30, 1953, to-wit:

Assistance Programs:

1. Old Age Assistance .....	\$5,000,000.00
2. Aid to Dependent Children .....	1,650,000.00
3. Aid to Blind .....	110,000.00
4. General Assistance .....	100,000.00
4a. Emergency Relief to Indians .....	100,000.00
5. Aid to Permanently & Totally Disabled .....	600,000.00

Service Programs:

1. Child Welfare Services .....	25,000.00
2. Crippled Children Services .....	150,000.00

Administration:

1. Personal Services:	
a. State Office Employees .....	195,000.00
b. Doctor's Fees for Eye Examinations .....	750.00
2. Travel Expense .....	26,800.00
3. Communications .....	10,000.00
4. Printing & Supplies .....	16,000.00
5. Equipment:	
a. Rental .....	1,200.00
b. Repair & Maintenance .....	1,200.00
c. Purchase .....	2,500.00
6. Other Operating Expense .....	3,000.00
7. Board Member Expense .....	8,750.00
8. Cost of Merit System Administration .....	6,000.00

Total .....\$8,006,200.00

Approved March 7, 1951.

## CHAPTER 54

S. B. No. 21  
(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 \$75,000.00, to be used as prescribed by Sections 54-3401 to 54-3405, both inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1951, and ending June 30, 1953.

Approved February 28, 1951.

## CHAPTER 55

S. B. No. 17  
(Committee on Appropriations)

## STATE SEED DEPARTMENT

## 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 in the state treasury, the sum of \$553,000.00, or so much thereof as may be necessary for salaries and expenses for the State Seed Department, as provided for in Chapter 4-09, North Dakota Revised Code of 1943, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Administration .....\$ 15,000.00

Deputy Commissioners .....	42,000.00
Clerks, Stenographers, etc. ....	40,000.00
Field Supervising Inspectors .....	15,000.00
Inspectors .....	180,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	14,000.00
Miscellaneous .....	14,000.00
Advertising & Research .....	45,000.00
Travel Expense .....	76,000.00
Tests Plots .....	12,000.00
Tags & Seals .....	22,000.00
Production & Marketing Administration .....	15,000.00
Compiling Reports .....	2,000.00
Automobiles .....	4,000.00
Rent to Agricultural College & Others .....	7,000.00
Emergency .....	50,000.00

Provided; That if after one year of the biennial period it is apparent there shall be a substantial unused balance in the emergency fund, \$25,000.00 of said fund may be used for greenhouse construction.

Total .....\$ 553,000.00

Approved March 5, 1951.

CHAPTER 56

H. B. No. 518  
(Committee on Appropriations)

SOIL CONSERVATION COMMITTEE AND DISTRICTS

AN ACT

Making an appropriation for the financing of the operations of the State Soil Conservation Committee and 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 \$37,450.00, or so much thereof as may be necessary for the purpose of financing the operations of the office of the

State Soil Conservation Committee and the activities of the State Soil Conservation Districts, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salaries .....	\$ 15,000.00
Office Supplies & Postage .....	1,250.00
Printing & Stationery .....	3,000.00
Furniture & Fixtures .....	500.00
Election Expense .....	1,600.00
Publication Fees .....	1,200.00
Labor Expense .....	2,400.00
Travel Expense .....	12,500.00
<b>Total .....</b>	<b>\$ 37,450.00</b>

Approved March 1, 1951.

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## CHAPTER 57

H. B. No. 752  
(Fristad)

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### PAYMENT OF CERTAIN STATE OFFICERS EXPENSES

#### AN ACT

Providing for the payment of expenses to certain state officers, making an appropriation and declaring an emergency.

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

§ 1.) The secretary of state, state auditor, state treasurer, commissioner of insurance, public service commissioners, and the commissioner of agriculture and labor, who reside at the capital of this state in order to properly discharge their official duties, shall be paid the sum of fifteen hundred dollars for each of the calendar years 1951 and 1952 for expenses and moneys expended while engaged in the discharge of official duties, to be paid in quarterly payments by the state auditor without the filing of any itemized voucher or statement.

§ 2. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-four thousand dollars 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.

Approved March 8, 1951.

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CHAPTER 58

S. B. No. 127  
(Committee on Finance and Taxation)

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PAYMENT OF VETERANS ADJUSTED COMPENSATION

AN ACT

Appropriating the sum of five hundred eighteen thousand, eight hundred dollars to the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, 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 five hundred eighteen thousand, eight hundred dollars to the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II.

§ 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 23, 1951.

## CHAPTER 59

H. B. No. 509  
(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 \$58,340.00, 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 1, 1951, and ending June 30, 1953, to-wit:

Salary — Commissioner .....	\$ 10,200.00
Salary — Assistant Commissioners .....	17,500.00
Clerkhire .....	15,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	3,000.00
Light, Telephone & Telegraph .....	1,200.00
Miscellaneous .....	600.00
Travel Expense .....	6,000.00
Rent .....	3,840.00
Cost of Service Officers' Schools .....	500.00
Travel — State Advisory Council .....	500.00
Total .....	\$ 58,340.00

Approved February 14, 1951.

## CHAPTER 60

H. B. No. 510  
(Committee on Appropriations)

## VETERANS' AID COMMISSION

## AN ACT

Making an appropriation for the administrative expenses of the Veterans' Aid Commission.

*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 \$14,375.00, or so much thereof as may be necessary for the administrative expenses of the Veterans' Aid Commission, for the biennium beginning July 1, 1951, and ending June 30, 1953.

Approved February 9, 1951.

## CHAPTER 61

H. B. No. 610  
(Committee on Appropriations)

REAPPROPRIATION OF UNUSED PORTION OF VETERANS  
EMERGENCY FUND

## AN ACT

Reappropriating any unused funds previously appropriated for the veterans' emergency fund.

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

§ 1. REAPPROPRIATION.) Any unused portion in the veterans' emergency fund from the appropriation provided by chapter 137 of the Session Laws of North Dakota of the year 1945 shall be and is hereby reappropriated for the purposes expressed therein for the period beginning on the effective date of this Act and ending June 30, 1953.

§ 2.) 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.

§ 3.) The veterans' service commissioner may at any time draw an advance of money from such fund on a voucher sworn 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 three hundred dollars 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.

Approved March 1, 1951.

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## CHAPTER 62

H. B. No. 507  
(Committee on Appropriations)

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### 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 any moneys in the state treasury, not otherwise appropriated, the sum of \$765.00, 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 1, 1951, and ending June 30, 1953.

Approved February 19, 1951.

## CHAPTER 63

H. B. No. 519  
(Committee on Appropriations)

## WATER COMMISSION — ADMINISTRATIVE FUND

## 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, expenses of state compacts and 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 into the "Administrative Fund" of the state water conservation commission out of any moneys in the state treasury, not otherwise appropriated, the sum of \$581,000.00, 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 its employees, maintenance of existing dams, administrative expense of state compacts and for the payment of costs of planning, surveying and preparing water conservation and irrigation projects, or construction, 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, which may be matched either in whole or in part by federal or state agencies and governmental subdivisions of the state, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Commissioners — Per Diem & Expenses .....	\$ 6,000.00
Administration .....	35,000.00
Maintenance of dams .....	120,000.00
International & Interstate — Commissioners' & Conference Expenses .....	14,000.00
Topographic & Conservation, cooperation with U. S. Geological Survey .....	35,000.00
Hydrographic Surveys, cooperation with U. S. Geological Survey .....	25,000.00

Salary — State Engineer .....	6,000.00
Construction & Reconstruction Drains or Irrigation .....	90,000.00
Engineering & Geological Surveys & Dem- onstrations .....	35,000.00
Cooperation with U. S. Departments & for organizing Conservation & Irrigation Districts .....	65,000.00
Small Projects, Other Investigations, Sur- veys, etc. ....	150,000.00
Total .....	<u>\$ 581,000.00</u>

Approved March 7, 1951.

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CHAPTER 64

H. B. No. 531  
(Committee on Appropriations)

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WORKMEN'S COMPENSATION BUREAU

AN ACT

Making an appropriation for the purpose of paying salaries and miscellaneous expenses 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 \$350,458.00, or so much thereof as may be necessary for the purpose of paying salaries and miscellaneous expenses of the workmen's compensation bureau, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salary — Commissioners .....	\$ 24,000.00
Clerkhire .....	171,000.00
Postage, Supplies, Printing, Furniture & Fixtures .....	31,000.00
Miscellaneous .....	7,500.00
Travel Expense .....	15,000.00
Automobile, Equipment & Maintenance .....	10,000.00

Safety Department .....	33,500.00
Legal Clerkhire .....	20,000.00
Legal Expense .....	3,500.00
Actuary .....	6,200.00
Medical Director .....	4,800.00
Department Audit .....	6,000.00
Garrison Dam — Emergency .....	15,240.00
Old Age & Survivors' Insurance System ....	2,718.00
	\$ 350,458.00
Total .....	

Approved March 5, 1951.

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CHAPTER 65

H. B. No. 526  
(Committee on Appropriations)

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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 reimburse 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, the Highway Patrol, 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 at 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 percent (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 fifty percent (50%) of the sum set forth for the various institutions and departments, as follows:

North Dakota Mill & Elevator Association, Grand Forks .....	\$ 12,000.00
Bank of North Dakota, including Farm Loan Department .....	10,000.00
State Hail Insurance Department .....	7,000.00
Workmen's Compensation Bureau .....	6,000.00
Coal Mine Inspection Department .....	300.00
Teachers' Insurance & Retirement Fund .....	2,000.00
State Highway Department .....	12,000.00
North Dakota Highway Patrol .....	2,500.00
Game & Fish Department .....	4,000.00
State Laboratories .....	2,500.00
Old Age & Survivors' Insurance System .....	3,000.00
Motor Vehicle Department .....	4,000.00
 Total .....	 \$ 65,300.00

§ 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 5, 1951.

CHAPTER 66

S. B. No. 30  
 (Committee on Appropriations)

THE BANK OF NORTH DAKOTA

AN ACT

Making an appropriation for the purpose of defraying the expenses 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 \$518,740.00, or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the Bank of North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

BANKING DEPARTMENT

Administrative Expense .....	\$ 249,880.00
General Expense .....	75,600.00
Examination & Legal Expense .....	13,000.00
Building Maintenance .....	17,560.00
Emergency .....	25,000.00
Total .....	\$ 381,040.00

COLLECTION AND LAND DEPARTMENT

Administrative Expense .....	\$ 78,100.00
General Expense .....	15,600.00
Field Supervision:	
1. Fieldmen .....	4,000.00
2. Travel .....	3,000.00
Examination & Legal Expenses .....	20,000.00
Total .....	\$ 120,700.00

BURLINGTON PROJECT

Administrative Expense .....	\$ 7,400.00
General Expense .....	4,600.00

Emergency .....	5,000.00
	<hr/>
Total .....	\$ 17,000.00
Grand Total .....	\$ 518,740.00

Approved March 6, 1951.

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CHAPTER 67

S. B. No. 3  
(Committee on Appropriations)

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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 28,500.00 out of the Institutional Collections Fund and the Interest and Income Fund of the institution hereafter named, and the sum of \$111,930.00 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 1, 1951, and ending June 30, 1953, to-wit:

Salaries & Wages: .....	\$ 86,130.00
1. Teachers' Retirement Fund & Old Age & Survivors' Insurance .....	2,250.00

Operating Expense:

1. Fuel-including Freight .....	9,000.00
2. Light, Power, Water, Telephone, Tele- graph, Postage, Freight & Express .....	4,000.00
3. Insurance, Bonds, etc. ....	2,000.00
4. Printing, Office & Educational Sup. ....	3,000.00
5. Travel .....	700.00
6. Power House Supplies .....	1,000.00

7. Janitors' Supplies .....	350.00
8. Students' Welfare .....	500.00
9. Food-including Meats, etc. ....	16,000.00
10. Clothing .....	300.00
11. Hospital & Medical Service .....	900.00
12. Laundry Costs .....	500.00
13. Farm, Garden & Grounds .....	2,000.00

Improvements & Repairs:

1. General Repairs .....	4,000.00
2. Painting Interior & Repairing Floors	1,000.00
Equipment .....	5,000.00
Miscellaneous Items .....	1,800.00
<b>Total</b> .....	<b>\$140,430.00</b>

Approved February 27, 1951.

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CHAPTER 68

H. B. No. 703  
(Anderson of Ransom, and Nygaard)

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ADDITIONAL COMPENSATION OF ADA E. MARK  
OF THE SCHOOL FOR THE BLIND

AN ACT

Appropriating the sum of one thousand dollars as additional compensation for services rendered by Ada E. Mark at the North Dakota state school for the blind, and declaring an emergency. WHEREAS, Ada E. Mark blind from childhood, has served as a teacher at the North Dakota state school for the blind for thirty-one years without loss of time, and WHEREAS, on September 6th, 1950, she was so badly burned that she is still hospitalized.

*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 general fund not otherwise appropriated, the sum of one thousand dollars as additional compensation for services rendered by Ada E. Mark at the North Dakota state

school for the blind.

§ 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 6, 1951.

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CHAPTER 69

S. B. No. 78  
(Committee on Appropriations)

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CAPITOL MAINTENANCE JANUARY 1 TO JUNE 30, 1951

AN ACT

Making an appropriation to the Board of Administration for capitol maintenance, 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 \$6,600.00 out of the state treasury not otherwise appropriated, or so much thereof as may be necessary, for the general maintenance and operation of the capitol for the period beginning January 1, 1951 and ending June 30, 1951.

§ 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, 1951.

CHAPTER 70

S. B. No. 2  
(Committee on Appropriations)

SCHOOL FOR THE DEAF

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, new buildings and equipment 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 \$50,000.00 out of the Interest and Income Fund and the Institutional Collections Fund of the institution hereafter named and the sum of \$334, 800.00 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 and equipment of the School for the Deaf at Devils Lake, North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salaries & Wages .....\$220,000.00

Operating Expense:

- 1. Fuel, Light, Power & Water ..... 35,000.00
- 2. Telephone, Telegraph, Postage & Office Supplies ..... 1,600.00
- 3. Educational Supplies ..... 5,000.00
- 4. Insurance, Bonds, etc. .... 7,000.00
- 5. Power House Supplies ..... 1,200.00
- 6. Janitors' Supplies & Laundry ..... 5,000.00
- 7. Travel ..... 600.00
- 8. Student Amusement & Welfare ..... 1,300.00
- 9. Food (including meats) ..... 37,500.00
- 10. Hospital & Medical Supplies ..... 1,100.00
- 11. Farm & Garden Supplies ..... 5,000.00
- 12. Auto Bus & Truck Upkeep ..... 2,100.00
- 13. Kitchen Supplies ..... 1,200.00
- 14. Dry Goods ..... 2,000.00

Improvements & Repairs:

- 1. General ..... 12,000.00

2. Transformer .....	1,500.00
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New Buildings:

1. Materials & Labor for Laundry Bldg.	20,000.00
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Equipment:

1. Library & Textbooks .....	1,500.00
2. Furniture .....	3,000.00
3. Laundry, Power House & Trades Equipment .....	4,000.00
4. Campus & Playground Equipment ....	600.00
5. Farm Equipment .....	600.00
6. Gymnasium & School House Addition	12,000.00
7. Kitchen .....	4,000.00

Total .....	\$384,800.00
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Approved February 27, 1951.

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CHAPTER 71

S. B. No. 89  
(Committee on Appropriations)

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SCHOOL FOR THE DEAF, CONVERSION OF ELECTRIC  
EQUIPMENT

AN ACT

Making an appropriation for conversion from direct to alternating current at the state school for the deaf, 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 \$33,900.00, or so much thereof as may be necessary for conversion of the electrical equipment at the state school for the deaf from direct to alternating current.

§ 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 23, 1951.

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CHAPTER 72

S. B. No. 82  
(Committee on Appropriations)

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SCHOOL FOR THE DEAF; GROUP HEARING AIDS

AN ACT

Making an appropriation for the purchase of group hearing aids for the North Dakota School for the Deaf 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 Two Thousand Five Hundred Dollars (\$2,500.00), or so much thereof as may be necessary for the purchase of group hearing aids for the School for the deaf.

§ 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 9, 1951.

## CHAPTER 73

S. B. No. 4  
(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. APPROPRIATION.) There is hereby appropriated the sum of \$560,000.00 out of the County Care and Institutional Collections Funds of the institution hereafter named and the sum of \$1,060,900.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general and miscellaneous items for the Grafton State School at Grafton, North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salaries & Wages .....\$ 800,000.00

## Operating Expense:

1. Fuel-including Freight .....	105,000.00
2. General Repairs .....	16,000.00
3. Insurance, Bonds, Printing, etc. ....	25,000.00
4. Travel .....	1,500.00
5. Office & Educational Supplies .....	8,500.00
6. Power House & Electrical Supplies	35,000.00
7. Janitors' & Laundry Supplies .....	35,000.00
8. Patients' Welfare .....	5,000.00
9. Food-including Meats, etc. ....	200,000.00
10. Clothing .....	65,000.00
11. Hospital & Medical Service .....	23,500.00
12. Farm & Garden .....	60,000.00
13. Beds, Bedding & Furnishings .....	25,000.00

## Improvements &amp; Repairs:

1. Repairs on Evaporators .....	2,500.00
2. Artesian Wells .....	5,000.00
3. Paints, Painting & Glass .....	5,000.00

4. Buildings (Repairs) .....	6,000.00
5. Farm, Garden, etc. ....	6,000.00
6. Steam Turbine, Steam Engine & Boilers .....	1,500.00
7. Outside Condensor & Coal Conveyor .....	500.00
8. Steam, Electric & Fire Pump .....	900.00
9. Cisterns, inside Conductor & Water Lines .....	1,300.00
10. Exterior Painting & Repairs .....	25,000.00

Equipment:

1. New Cars & Trucks .....	4,000.00
2. Farm Machinery .....	1,000.00
3. Kitchen, etc. ....	4,000.00
4. Laundry & Janitor .....	25,000.00
5. Hospital .....	6,000.00
6. Fire Fighting .....	2,000.00
7. Refrigeration .....	1,000.00
8. Boiler Plant .....	18,900.00
9. New Coal Conveyor & Weigh Larry .....	9,000.00
10. Bakery .....	500.00
11. Water Filter .....	4,300.00

New Buildings:

1. Carpenter, Machine & Plumbing Shop .....	25,000.00
2. Remodeling Old Hospital for Patients .....	15,000.00
3. Doctor's Duplex Residence .....	35,000.00

Miscellaneous Items:

1. Land Rentals .....	12,000.00
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Total .....\$1,620,900.00

Approved March 7, 1951.

## CHAPTER 74

H. B. No. 511  
(Committee on Appropriations)

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FEEBLEMINDED — 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 \$2,000.00, 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 1, 1951, and ending June 30, 1953.

Approved February 19, 1951.

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CHAPTER 75

H. B. No. 501  
(Committee on Appropriations)

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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 subdivisions thereof and declaring an emergency.

*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 .....	\$ 3,674,027.00
2. (a) Agricultural College .....	3,196,640.00
(b) Agricultural College — Experiment Station .....	1,041,110.00
(c) Agricultural College — Extension Division .....	278,524.00
3. State Teachers College, Dickinson .....	421,900.00
4. Ellendale Normal & Industrial School .....	297,100.00
5. State Teachers College, Mayville .....	342,450.00
6. State Teachers College, Minot .....	828,250.00
7. State Teachers College, Valley City .....	618,100.00
8. School of Science, Wahpeton .....	668,300.00
9. School of Forestry, Bottineau .....	242,720.00

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

1. State University .....	\$ 500,000.00
2. Agricultural College .....	500,000.00
2a. Agricultural College — Federal Funds ..	154,652.78
3. State Teachers College, Dickinson .....	100,900.00
4. Ellendale Normal & Industrial School .....	72,000.00
5. State Teachers College, Mayville .....	110,000.00
6. State Teachers College, Minot .....	250,000.00
7. State Teachers College, Valley City .....	150,000.00
8. School of Science, Wahpeton .....	210,000.00
9. School of Forestry, Bottineau .....	45,000.00

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. The state auditor is hereby authorized and directed, upon the order of the state board of higher education, to issue warrants against all funds deposited in the state treasury, including amounts over and above the estimated income, if any provided however, that the limitation of Section 54-2710 of the North Dakota Revised Code of 1943 shall apply only to that part of the appropriation which is derived from the General Fund.

§ 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 1, 1951, and ending June 30, 1953.

§ 3. APPROPRIATIONS.)

#### STATE UNIVERSITY

1. Educational Service .....	\$ 2,100,000.00
2. Library .....	68,000.00
3. Administration .....	200,000.00
4. Student Welfare, Health & Placement ..	24,000.00
5. Buildings & Grounds .....	575,000.00
6. Improvements & Repairs .....	100,000.00
7. Equipment .....	85,000.00
8. Fixed Charges .....	97,027.00
9. School of Mines, Special .....	5,000.00
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Total .....	\$ 3,254,027.00
Less estimated income .....	500,000.00
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Net appropriation .....	\$ 2,754,027.00
0. New Buildings & Special Projects:	
a. Education Building to replace Wood-	
worth, in addition to insurance funds	
now on hand .....	480,000.00
b. Power Plant: Building & Equipment	
(including New Boiler) .....	400,000.00
(This appropriation to be made avail-	
able immediately on passage)	
c. Equipment for New Engineering	
Building .....	40,000.00
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Total .....	\$ 3,674,027.00

#### AGRICULTURAL COLLEGE

1. Educational Service .....	\$ 1,954,652.78
2. Library .....	72,500.00
3. Administration .....	163,070.00
4. Student Welfare, Health, Placement &	
Service .....	20,000.00
5. Buildings & Grounds .....	575,000.00
6. Improvements & Repairs .....	115,000.00
7. Equipment .....	100,000.00

8. Fixed Charges .....	72,570.00
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Total .....	\$ 3,072,792.78
Less estimated income .....	500,000.00
Less federal funds .....	154,652.78
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Net appropriation .....	\$ 2,418,140.00
9. New Buildings & Special Projects:	
a. Heating Plant .....	194,000.00
(This appropriation to be made avail- able immediately on passage)	
b. Campus-Surfacing Roads .....	75,000.00
(This appropriation to be made avail- able immediately on passage)	
c. Home Economics Building .....	450,000.00
d. Botany Greenhouse .....	10,000.00
e. Steam Main Extension .....	45,000.00
f. Move Engineering Quonset .....	4,500.00
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Total .....	\$ 3,196,640.00

AGRICULTURAL COLLEGE  
EXPERIMENT STATION

1. Main Station:	
a. Scientific Investigations .....	\$ 518,000.00
b. Veterinary Science .....	47,000.00
c. Public Service .....	14,000.00
d. Special Equipment .....	35,000.00
e. Improvements & Repairs .....	25,000.00
f. New Buildings & Special Projects:	
1. New Dairy Barn .....	95,000.00
2. Herdsman's Residence .....	14,000.00
3. Greenhouse .....	45,000.00
(This appropriation to be made available immediately on passage)	
g. Fixed Charges .....	55,000.00
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Total Main Station .....	\$ 848,000.00
2. Branch Stations:	
a. Dickinson Dry Land Unit .....	\$ 38,000.00
b. Dickinson Livestock Unit .....	31,720.00
c. Edgeley .....	18,000.00
d. Hettinger .....	15,240.00
e. Langdon .....	24,000.00
f. North Central .....	29,000.00
g. Williston Dry Land Unit .....	19,150.00

h. Williston Irrigation Unit .....	18,000.00
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Total Branch Stations .....	\$ 193,110.00
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Total Main & Substations .....	\$ 1,041,110.00
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### AGRICULTURAL COLLEGE

#### EXTENSION DIVISION

1. Administration .....	\$ 15,700.00
2. County Agent .....	47,000.00
3. Home Demonstration .....	18,000.00
4. 4-H Club & Rural Young People .....	24,000.00
5. Information & Publications .....	19,000.00
6. Field Agents in Agriculture .....	104,542.00
6½. Water Usage Specialist .....	14,600.00
7. Field Agents in Home Economics .....	20,915.00
8. Fixed Charges .....	14,767.00

Total .....	\$ 278,524.00
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#### STATE TEACHERS COLLEGE, DICKINSON

1. Educational Service .....	\$ 255,000.00
2. Library .....	16,000.00
3. Administration .....	38,000.00
4. Student Welfare, Health & Placement Service .....	6,500.00
5. Buildings & Grounds .....	103,000.00
6. Improvements & Repairs:	
a. Improvements & Repairs .....	8,870.00
7. Equipment .....	9,000.00
8. Fixed Charges .....	11,430.00

Total .....	\$ 447,800.00
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Less estimated income .....	100,900.00
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Net Appropriation .....	\$ 346,900.00
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9. New Buildings & Special Projects:	
a. Additional appropriation for New Gymnasium .....	25,000.00
b. Equipment for New Gymnasium .....	18,000.00
c. Remodel Stage of Present Auditorium .....	32,000.00

Total .....	\$ 421,900.00
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#### ELLENDALE NORMAL AND INDUSTRIAL SCHOOL

1. Educational Service .....	\$ 172,000.00
2. Library .....	12,000.00
3. Administration .....	35,250.00

4. Student Welfare, Health & Placement Service .....	8,000.00
5. Buildings & Grounds .....	66,750.00
6. Improvements & Repairs .....	20,000.00
7. Equipment .....	17,000.00
8. Fixed Charges .....	12,600.00
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Total .....	\$ 343,600.00
Less Estimated Income .....	72,000.00
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Net appropriation .....	\$ 271,600.00
9. New Buildings & Special Projects:	
a. Modernize Bathrooms — Dacotah Hall	3,500.00
b. New Boiler .....	22,000.00
(This appropriation to be made available immediately on passage)	
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Total .....	\$ 297,100.00

STATE TEACHERS COLLEGE, MAYVILLE

1. Educational Service .....	\$ 248,000.00
2. Library .....	16,360.00
3. Administration .....	42,000.00
4. Student Welfare, Health & Placement Service .....	6,500.00
5. Buildings & Grounds .....	83,600.00
6. Improvements & Repairs .....	9,740.00
7. Equipment .....	13,700.00
8. Fixed Charges .....	11,750.00
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Total .....	\$ 431,650.00
Less estimated income .....	110,000.00
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Net appropriation .....	\$ 321,650.00
9. New Buildings & Special Project:	
a. Exterior Painting and Repointing ....	5,000.00
b. Weatherstripping, Caulking & Painting .....	5,800.00
c. Remodel Toilet Room — East Hall ....	10,000.00
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Total .....	\$ 342,450.00

STATE TEACHERS COLLEGE, MINOT

1. Educational Service .....	\$ 600,000.00
2. Library .....	31,500.00
3. Administration .....	65,000.00
4. Student Welfare, Health & Placement	

Service .....	4,400.00
5. Buildings & Grounds .....	190,000.00
6. Improvements & Repairs .....	30,000.00
7. Equipment:	
a. Equipment .....	25,000.00
b. Equipment — New Gymnasium .....	30,000.00
8. Fixed Charges .....	26,100.00
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Total .....	\$ 1,002,000.00
Less estimated income .....	250,000.00
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Net appropriation .....	\$ 752,000.00
9. New Buildings & Special Projects:	
a. Shop and Power Plant Addition .....	40,000.00
b. Remodel Old Gymnasium .....	16,800.00
c. Tunnel to Connect Physical Education-	
al Building to Main Building .....	8,200.00
d. Fire Line .....	2,750.00
e. 8'' Sanitary Sewer & 10'' Storm Sewer	8,500.00
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Total .....	\$ 828,250.00

## STATE TEACHERS COLLEGE, VALLEY CITY

1. Educational Service .....	\$ 396,000.00
2. Library .....	21,000.00
3. Administration .....	47,250.00
4. Student Welfare, Health & Placement	
Service .....	9,000.00
5. Buildings & Grounds .....	159,000.00
6. Improvements & Repairs .....	26,500.00
7. Equipment .....	15,000.00
8. Fixed Charges .....	19,350.00
	<hr/>
Total .....	\$ 693,100.00
Less estimated income .....	150,000.00
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Net appropriation .....	\$ 543,100.00
9. New Buildings & Special Projects:	
a. Additional Appropriation for New	
Library Building .....	25,000.00
(This appropriation to be made avail-	
able immediately on passage)	
b. Steam Line & Power House Improve-	
ments .....	50,000.00
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Total .....	\$ 618,100.00

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 SCHOOL OF SCIENCE, WAHPETON

1. Educational Service .....	\$ 440,000.00
2. Library .....	15,000.00
3. Administration .....	56,000.00
4. Student Welfare, Health & Placement Service .....	7,000.00
5. Buildings & Grounds .....	150,000.00
6. Improvements & Repairs .....	35,500.00
7. Equipment .....	35,000.00
8. Fixed Charges .....	19,800.00
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Total .....	\$ 758,300.00
Less estimated income .....	210,000.00
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Net appropriation .....	\$ 548,300.00
9. New Buildings & Special Projects:	
a. Additional Appropriation for Heating Plant .....	120,000.00
(This appropriation to be made avail- able immediately on passage)	
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Total .....	\$ 668,300.00

## STATE SCHOOL OF FORESTRY, BOTTINEAU

1. Educational Service .....	\$ 91,000.00
2. Library .....	2,500.00
3. Administration .....	24,810.00
4. Student Welfare, Health & Placement Service .....	900.00
5. Buildings & Grounds .....	40,000.00
6. Nursery & Greenhouse .....	52,000.00
7. Improvements & Repairs .....	3,200.00
8. Equipment .....	11,000.00
9. Fixed Charges .....	6,700.00
10. Farm Forestry Program .....	7,000.00
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Total .....	\$ 239,110.00
Less estimated income .....	45,000.00
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Net appropriation .....	\$ 194,110.00
11. New Buildings & Special Projects:	
a. Curb, Sidewalk & Road .....	4,500.00
b. Renovate Old Main .....	8,000.00
Reactivate Towner Nursery .....	36,110.00
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Total .....	\$ 242,720.00

§ 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 herein.

§ 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 on such items as are herein designated to be made available immediately on passage.

Approved March 2, 1951.

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CHAPTER 76

S. B. No. 6

(Committee on Appropriations)

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STATE HOSPITAL FOR THE INSANE

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous items for the State Hospital for the Insane at Jamestown, 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 \$2,415,000.00 out of the county care, institutional collections and interest collections funds of the institution hereafter named and the sum of \$668,600.00 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 items for the State Hospital for the Insane at Jamestown, North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salaries & Wages .....	\$ 1,400,000.00
Mental Health Program .....	50,000.00
Operating Expense:	
1. Administrative Expense .....	35,000.00
2. Occupational Therapy .....	6,500.00
3. Farm, Garden, Auto & Trucks .....	79,000.00
4. Physical Plant .....	275,000.00

5. Clothing & Footwear .....	75,000.00
6. Foods .....	500,000.00
7. Household & Kitchen .....	32,500.00
8. Laundry & Janitors' Supplies .....	40,000.00
9. Hospital, Medical & Surgical Supplies .....	45,000.00
10. Insurance, Bonds and Social Security .....	42,000.00
11. Miscellaneous Supplies, etc. ....	5,000.00
Improvements and Repairs:	
1. Well, Equipment and Pump House ..	30,000.00
2. Water Tank .....	50,000.00
New Buildings and Special Projects:	
1. Rebuild Top 35 feet of Smokestack ..	10,000.00
2. New Breaching from Boiler House to Chimney .....	8,200.00
3. Power House & Conversion .....	250,000.00
4. Water Line & Easement, therefor, & Booster Pump & House. This part of appropriation to become available after passage of the bill. ....	60,000.00
5. Fire Truck with Aerial Ladder & Equipment .....	33,000.00
6. One Duplex .....	35,000.00
Equipment:	
1. Dental Equipment .....	2,400.00
2. Bakery & Kitchen Equipment .....	20,000.00
Total .....	<u>\$ 3,083,600.00</u>

§ 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.

## CHAPTER 77

H. B. No. 512  
(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 \$115,000.00, 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 1, 1951, and ending June 30, 1953.

Approved February 19, 1951.

## CHAPTER 78

S. B. No. 31  
(Committee on Appropriations)

STATE MILL AND ELEVATOR ASSOCIATION  
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 moneys in the State Treasury in the North Dakota mill and elevator association fund, the sum of \$2,383,850.00, 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 1, 1951, and ending June 30, 1953, to-wit:

Manufacturing expense .....	\$ 1,058,800 00
Selling and delivery expense .....	307,400.00
Administration expense .....	114,300.00
General expense .....	110,750.00

Elevator department .....	230,100.00
Feed mill department .....	387,500.00
State local elevator .....	38,000.00
Audit fees .....	12,000.00
Emergency fund .....	125,000.00
<b>Total .....</b>	<b>\$ 2,383,850.00</b>

Approved March 6, 1951.

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CHAPTER 79

S. B. No. 8

(Committee on Appropriations)

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STATE PENITENTIARY

AN ACT

Making an appropriation for general maintenance, improvements and repairs, 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 \$25,000.00 out of the institutional collections fund of the institution hereafter named and the sum of \$567,425.00 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 Penitentiary, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salaries and wages:

1. Salary — warden .....	\$ 6,000.00
2. Other employees .....	245,000.00
3. Retirement pay .....	3,600.00
4. Social security .....	3,000.00

Operating expense:

1. Fuel, including freight .....	45,000.00
2. Light, power, water, gas .....	11,800.00
3. Telephone, telegraph, postage .....	2,800.00
4. Freight and express .....	800.00
5. Insurance and bonds .....	15,000.00
6. Printing and office supplies .....	1,000.00
7. Travel expense .....	350.00
8. Educational supplies .....	800.00

9. Power house and electric supplies .....	4,500.00
10. Laundry and janitors' supplies .....	7,500.00
11. Inmates' welfare .....	3,500.00
12. Food and kitchen supplies .....	80,000.00
13. Clothing, bedding, etc .....	20,000.00
14. Hospital and medical services .....	10,000.00
15. Barrillon and escapes .....	1,000.00
16. Transportation and clothing allowances .....	6,000.00
17. Maintenance autos and trucks .....	5,000.00
18. Inmates' wages .....	18,000.00
19. Maintenance farms and shops .....	16,500.00
20. Miscellaneous supplies .....	300.00
Improvements and repairs:	
1. General .....	15,000.00
2. Sewer, plumbing and water .....	13,000.00
1. Kitchen and household .....	1,000.00
Equipment:	
1. Kitchen and household .....	1,000.00
2. Farm .....	1,000.00
3. Hospital .....	300.00
4. Shops .....	1,000.00
5. Office .....	500.00
6. Firehose and firefighting supplies .....	500.00
7. Arsenals .....	300.00
8. Truck trades (2) .....	3,500.00
9. Automobile trades (2) .....	2,400.00
Miscellaneous items:	
1. Rent of land .....	3,000.00
Total penitentiary proper .....	<u>\$549,950.00</u>
STATE PAROLE OFFICER:	
1. Chief state parole officer .....	7,200.00
2. Assistant parole officer .....	5,400.00
3. Stenographer, clerk .....	4,800.00
4. Travel expense .....	3,600.00
STATE BUREAU OF CRIMINAL IDENTIFICATION:	
1. Officer in charge .....	6,600.00
2. Fingerprint expert .....	6,600.00
3. Workmen's compensation .....	175.00
4. Radio service, bulletins .....	1,500.00
5. Telephone and telegraph .....	600.00
6. Equipment .....	1,000.00
7. Postage and printing .....	200.00
8. Travel expense .....	4,800.00
Total .....	<u>\$592,425.00</u>
Approved March 5, 1951.	

## CHAPTER 80

S. B. No. 9  
(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 \$50,000.00, 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 1, 1951, and ending June 30, 1953. 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 1, 1951, and ending June 30, 1953.

Approved February 27, 1951.

## CHAPTER 81

S. B. No. 112  
(Committee on Appropriations)

## TAG AND SIGN PLANT AND COFFIN FACTORY

## AN ACT

Making an appropriation for the general maintenance and operation of the Tag and Sign Plant and the Coffin Factory at 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 \$200,000.00 out of the miscellaneous earnings fund and the sum of \$8,000.00 out of the coffin manufacturing fund, or so much thereof as may be necessary to pay the general maintenance and operation of the tag and sign plant and the coffin factory at the state penitentiary, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Tag and sign plant .....	\$200,000.00
Coffin factory .....	8,000.00
Total .....	<u>\$208,000.00</u>

Approved February 28, 1951.

## CHAPTER 82

S. B. No. 10  
(Committee on Appropriations)

NORTH DAKOTA TWINE AND CORDAGE PLANT  
AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment and miscellaneous expenses 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 moneys in the state treasury in the twine plant operating fund, the sum of \$2,334,300.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the North Dakota twine and cordage plant at the state penitentiary, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salaries and wages:

1. Employees .....	\$ 108,200.00
2. Social security .....	1,000.00

Operating expense:

1. Unmanufactured hemp .....	\$ 1,500,000.00
2. Stores .....	80,000.00
3. Maintenance, repairs and supplies .....	15,000.00
4. Inmates' labor .....	18,000.00
5. Fuel, light and water .....	12,000.00
6. Unearned insurance .....	25,000.00
7. Officers' and inmates' maintenance .....	30,000.00
8. Miscellaneous office expense .....	100.00
9. Telephone, telegraph, postage .....	900.00
10. Stationery and office supplies .....	600.00
11. Freight expense .....	200.00
12. Miscellaneous selling expense .....	200.00
13. Advertising .....	1,000.00
14. Travel expense .....	2,500.00
15. Truck expense .....	200.00
16. Commissions .....	16,000.00
17. Emergency fund .....	75,000.00

Improvements and repairs:

1. Buildings .....	6,000.00
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Equipment:

1. New machinery .....	15,000.00
2. New office equipment .....	400.00

Miscellaneous:

1. Twine and rope returns and allowances .....	5,000.00
2. Discounts .....	1,000.00
3. Interest expense .....	10,000.00
4. Sales tax .....	1,000.00
5. Prepaid freight .....	5,000.00
6. Bank loans .....	400,000.00
7. Accounts payable .....	5,000.00
<b>Total .....</b>	<b>\$ 2,334,300.00</b>

Approved March 6, 1951.

CHAPTER 83

H. B. No. 513

(Committee on Appropriations)

NORTH DAKOTA SOLDIERS' HOME

AN ACT

Making an appropriation for the general maintenance, improvements and equipment, new buildings and special projects for the North Dakota Soldiers' Home at Lisbon, North Dakota.

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

§ 1. APPROPRIATION.) There is hereby appropriated the sum of \$82,000.00 out of interest and income and federal aid funds of the home hereafter named and the sum of \$80,100.00 out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and equipment, new buildings and special projects for the North Dakota soldiers' home at Lisbon, North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Expenses and per diem for board .....	\$ 1,600.00
Salary commandant .....	7,200.00
Salaries for staff .....	12,000.00
Expense and per diem of auditor .....	150.00
Civilian employees and home members employed .....	50,000.00
Maintenance and operation .....	70,000.00
Insurance .....	3,050.00
Station wagon .....	1,800.00

Improvements and equipment:

1. Water tank — paint and cleaning .....	1,000.00
2. Grounds improvement .....	2,500.00
3. Farm machinery .....	500.00

## New Buildings and Special projects:

1. Hog barn .....	3,000.00
2. Root cellar .....	5,000.00
3. Well and water pump .....	1,000.00
4. Electric line to new site for farm buildings .....	800.00
5. Improvements and repairs, civilian quarters.....	2,500.00
<b>Total.....</b>	<b>\$162,100.00</b>

Approved January 22, 1951.

## CHAPTER 84

S. B. No. 7

(Committee on Appropriations)

## STATE TRAINING SCHOOL

## AN ACT

Making an appropriation for the general maintenance, improvements and repairs, new building, equipment and miscellaneous expenses for the State Training School at 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 \$38,000.00 out of the interest, income and institutional collections funds of the institution hereafter named and the sum of \$556,405.00 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, equipment and miscellaneous expenses of the state training school at Mandan, North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

Salaries and wages .....	\$238,260.00
Operating expenses:	
1. Fuel, light, power and gas .....	32,800.00
2. Telephone, telegraph, postage, freight, express, travel and parole expense .....	10,000.00
3. Printing and office supplies .....	1,500.00
4. Educational supplies .....	3,500.00
5. Power house, laundry and janitors' supplies .....	14,000.00
6. Students' welfare and wages .....	8,000.00
7. Food and household supplies .....	85,000.00
8. Clothing, bedding and linen .....	27,000.00
9. Hospital and medical service .....	16,000.00
10. Farm and garden maintenance .....	22,000.00

11. Grounds .....	1,000.00
12. Carpenter shop, gasoline, auto and truck expense .....	9,100.00
13. Insurance .....	11,000.00
14. Matching OASIS and teachers' insurance .....	4,000.00
<b>Improvements and repairs:</b>	
1. Repair roofs, Devine and Dakota halls .....	10,000.00
2. Dairy barn repair .....	1,500.00
3. Repair gymnasium roof .....	2,375.00
4. Dyke improvement — rip-rapping .....	900.00
5. Replace silos (2) .....	3,800.00
6. Remodel main building .....	14,000.00
7. Improve and repair Brown cottage .....	1,000.00
8. General repairs on building .....	7,500.00
9. Painting and decorating ..	5,000.00
<b>New buildings and special projects:</b>	
1. Reappropriation of balance in dormitory building fund for employees' cottages .....	16,000.00
<b>Equipment:</b>	
1. Trades school .....	10,500.00
2. Dental and doctors' rooms and barber shop in new building .....	4,450.00
3. Farm equipment .....	4,000.00
4. Replace parole car and truck .....	3,500.00
5. Gymnasium bleachers and score board .....	1,795.00
6. Carpenter and plumbing shop .....	1,000.00
7. Library ..	800.00
8. Household .....	4,500.00
9. School and office .....	3,000.00
10. Tools .....	1,000.00
11. New building equipment .....	3,000.00
12. Power house and laundry .....	6,000.00
13. Beds for Brown cottage ..	600.00
14. Dairy room equipment .....	600.00
15. Motor driven feed pump .....	925.00
<b>Miscellaneous:</b>	
1. Burial expenses and rewards .....	500.00
2. Land rental and fencing .....	3,000.00
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Total.....	\$594,405.00

Approved March 5, 1951.

## CHAPTER 85

S. B. No. 5  
(Committee on Appropriations)

## STATE TUBERCULOSIS SANATORIUM

## AN ACT

Making an appropriation for the general maintenance, improvements and repairs 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 \$400,000.00 out of the county care and institutional collections funds of the institution hereafter named and the sum of \$735,100.00 out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary for paying the general maintenance, improvements and repairs and equipment for the tuberculosis sanatorium at San Haven, North Dakota, for the biennium beginning July 1, 1951, and ending June 30, 1953, to-wit:

SALARIES AND WAGES	\$ 540,600.00
OPERATING EXPENSE:	
1. Fuel—including freight	70,000.00
2. Auto and truck maintenance	5,000.00
3. Telephone, telegraph, postage, freight and express	7,000.00
4. Insurance, bonds, etc.	14,500.00
5. Travel	1,200.00
6. Office supplies and printing	2,500.00
MISCELLANEOUS	100.00
8. Power house supplies	13,000.00
9. Janitors' supplies	14,000.00
10. Patients' welfare	3,000.00
11. Food—including meats, etc.	300,000.00
12. Clothing, bedding, linen, etc.	15,000.00
13. Hospital and medical service	55,000.00
14. Farm, dairy and poultry maintenance	30,000.00
15. Garden, greenhouse and grounds	1,000.00
16. Laundry, water softening supplies.	13,000.00
17. Dishes, crockery, utensils, etc.	6,000.00
18. Refunds	300.00
IMPROVEMENTS AND REPAIRS	
1. General improvements and repairs	7,000.00
2. New well and pump	7,000.00

after its passage and approval.

Approved February 23, 1951.

3. Tunnel for laundry steam pipes .....	3,000.00
4. New steam line to laundry .....	1,900.00
Equipment:	
1. Hospital .....	3,500.00
2. Farm .....	1,200.00
3. Furniture, rugs, replacements, etc. ....	9,000.00
4. Office equipment .....	500.00
5. Dietary equipment .....	3,000.00
6. Truck exchange .....	2,000.00
7. Laundry .....	800.00
New buildings and special projects:	
1. Warehouse .....	5,000.00
<b>Total .....</b>	<b>\$ 1,135,100.00</b>

Approved March 6, 1951.

CHAPTER 86

S. B. No. 227

(Nordhougen)

TRANSFER AUTO TRANSPORTATION SURPLUS FUNDS TO  
HIGHWAY OPERATING FUND  
AN ACT

To appropriate and 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. APPROPRIATION.) There is hereby appropriated and transferred to the credit of the highway operating fund in the state treasury out of the unappropriated surplus now in the auto transportation fund the sum of forty thousand dollars.

§ 2.) The state auditor and state treasurer shall make the transfer of the funds authorized thereby 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 February 23, 1951.

## CHAPTER 87

S. B. No. 128

(Committee on Finance and Taxation)

TRANSFER BANK OF NORTH DAKOTA SURPLUS FUNDS TO  
VETERANS ADJUSTED COMPENSATION PAYMENT FUND

## AN ACT

Appropriating surplus funds of the Bank of North Dakota to the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, and declaring an emergency.

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

§ 1. APPROPRIATION; TRANSFER TO BE MADE.) There is hereby appropriated out of the accumulated surplus funds of the Bank of North Dakota to the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, the sum of one million five hundred thousand dollars. Such sum shall be transferred to said special fund on order of the state industrial commission as soon as may be after the effective date of this act.

§ 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, 1951.

## CHAPTER 88

S. B. No. 129

(Committee on Finance and Taxation)

TRANSFER N. D. MILL AND ELEVATOR SURPLUS FUNDS TO  
VETERANS ADJUSTED COMPENSATION PAYMENT FUND

## AN ACT

Appropriating surplus funds of the North Dakota mill and elevator association to the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, and declaring an emergency.

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

§ 1. APPROPRIATION; TRANSFER TO BE MADE.) There is hereby appropriated out of the accumulated surplus funds of the North

Dakota mill and elevator association to the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, the sum of five hundred thousand dollars. Such sum shall be transferred to said special fund on order of the state industrial commission as soon as may be after the effective date of this Act.

§ 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 23, 1951.

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CHAPTER 89

S. B. No. 228  
(Nordhougen)

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TRANSFER MILL AND ELEVATOR BOND PAYMENT SURPLUS  
FUND TO GENERAL FUND

AN ACT

To appropriate and provide for the transfer of a part of the unappropriated surplus now in the mill and elevator bond payment fund to the general fund of 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 and transferred to the general fund of the state of North Dakota out of the unappropriated surplus now in the mill and elevator bond payment fund the sum of three thousand fifty dollars and seventy-three cents.

§ 2.) The state auditor and state treasurer shall make the transfers of the funds authorized thereby 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 February 23, 1951.

## CHAPTER 90

S. B. No. 229  
(Nordhougen)

TRANSFER MILL AND ELEVATOR INTEREST SURPLUS FUND  
TO GENERAL FUND

## AN ACT

To appropriate and provide for the transfer of a part of the unappropriated surplus now in the mill and elevator interest fund to the general fund of 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 and transferred to the general fund of the state of North Dakota out of the unappropriated surplus now in the mill and elevator interest fund the sum of eighty-seven thousand eight hundred forty-three dollars and forty-eight cents.

§ 2.) The state auditor and state treasurer shall make the transfer of the funds authorized thereby 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 February 23, 1951.

## CHAPTER 91

S. B. No. 130  
(Committee on Finance and Taxation)

TRANSFER VETERANS AID FUND TO VETERANS ADJUSTED  
COMPENSATION PAYMENT FUND

## AN ACT

Transferring three hundred thousand dollars from the veterans' aid fund to the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, 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 moneys in the veterans' aid fund to the special fund in the state treasury established for the purpose of paying adjusted compensation to North

Dakota veterans of World War II the sum of three hundred thousand dollars.

§ 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 23, 1951.

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## AGRICULTURE

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### CHAPTER 92

H. B. No. 674

(Langseth and Anderson)

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#### PERMANENT IMPROVEMENTS TO COUNTY FAIRS; INSTALLMENT PAYMENT

#### AN ACT

To amend and reenact section 4-0232 of the North Dakota Revised Code of 1943, relating to county fairs; providing that permanent improvements may be made on an installment payment basis.

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

§ 1. AMENDMENT.) Section 4-0232 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0232. EXPENSES OF LEASING AND PURCHASING; HOW PAID.) The purchase or lease price of the land and the cost of buildings and making the improvements may be paid out of the general fund of the county if the fund is sufficient after meeting all other obligations imposed on it. If the general fund of the county is insufficient, the board of county commissioners may assess a tax over and above the amount authorized to be levied for general purposes on all of the taxable property within the county, not to exceed one-half mill in any one year, to raise the necessary money for the purchase or lease of the land, the erection of the buildings, and the making of necessary improvements, and the moneys thus raised shall be placed in a fund to be designated as the "county fair fund." The land may be purchased or leased on installments, not to exceed five equal annual payments, and permanent improvements may be made to be paid for on installments of not to exceed five equal annual payments, and the board of county com-

missioners may issue county warrants for such deferred payments, to be paid out of the county fair fund as soon as there is sufficient money in the fund to take up the warrants in whole or in part. When the warrants are issued, a levy shall be made sufficient to pay the warrants in conformity with the terms of the purchase or lease.

Approved March 1, 1951.

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CHAPTER 93

H. B. No. 621

(Stormon of Rolette, and Solberg)

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TAX LEVY FOR COUNTY AGENT WORK

AN ACT

To amend and reenact section 4-0815 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to levies for county agent work.

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

§ 1. AMENDMENT.) Section 4-0815 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0815. ONE MILL LEVY AUTHORIZED.) The board of county commissioners of any county of this state in which a levy for county agent work is authorized may levy not to exceed one mill for such purposes, which levy shall not be restricted by the county tax levy limitation prescribed by law, in counties having a taxable valuation for tax purposes of less than seven million dollars.

Approved March 5, 1951.

## CHAPTER 94

H. B. No. 793  
(Trydal, Saumur)

POTATO IMPROVEMENT, MARKETING AND ADVERTISING ACT  
AN ACT

To promote the prosperity of the potato industry of North Dakota; to provide for the establishment of potato production areas, and within such areas to provide for the collection of fees by the use of potato promotion stamps or otherwise; and the regulation of certain marketing practices; to provide for referendum elections by potato growers; to provide for the appointment of a North Dakota potato development commission, and the appointment of a board of control for each established area; to provide for the administration of this act by the said potato development commission and such board of control; to permit cooperation with state or private agencies, including those of other states and the federal government; providing for the disbursement of funds; and prescribing penalties.

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

§ 1. This Act shall be known as the Potato Improvement, Marketing and Advertising Act of North Dakota.

§ 2. POLICY.) (a) It is hereby declared that the production, preparing for market and marketing of Irish potatoes in North Dakota is important to the health, peace, safety and general welfare of the people of the state of North Dakota. Economic waste is being fostered in the potato industry in North Dakota by lack of better methods of production, processing and marketing of potatoes and by lack of advertising and promoting better markets for potatoes produced in the state; and the inability of individual producers and shippers to develop better methods and new and larger markets for North Dakota potatoes; resulting in unreasonable and unnecessary waste of the agricultural and human resources of the state. Such conditions and the accompanying waste jeopardize the future continued production of an important food supply for the people of the state and jeopardize the future and continued employment of local human resources within the state and prevent potato producers and people they employ from obtaining a fair return for their labor, their farms, and the potatoes which they produce. As a consequence, the purchasing power of potato producers, potato shippers, and the persons within their employ has been and may continue to be in the future, unless such conditions are remedied, low in relationship to that of persons engaged in other gainful occupations within the state. Potato producers, potato packers and shippers and the persons within their employ are thereby

prevented from maintaining a proper standard of living and from contributing their fair share to the support of the necessary governmental and educational functions thus tending to increase unfairly the tax burdens of other citizens of the state.

(b) These conditions vitally concern the health, peace, safety and general welfare of the people of this state. It is hereby declared to be the policy of this state to aid potato producers, potato shippers and the general welfare of the communities within the area in preventing economic waste and unemployment, and in the production, processing and marketing of potatoes, to develop new and better varieties of potatoes, more efficient and equitable methods of producing and marketing of potatoes and to preserve this opportunity for employment of workers within the producing area, and to aid in restoring and maintaining their purchasing power at a more adequate, equitable and reasonable level.

(c) The production, processing and marketing of potatoes within the state of North Dakota is hereby declared to be affected with the public interest. The provisions of this Act are enacted in the exercise of the police powers of this state for the purposes of protecting the health, peace, safety and general welfare of the people of this state.

§ 3. PURPOSES.) The purposes of this Act are:

(a) To enable the potato producers and shippers of this state to better meet the competition from other states who are conducting potato improvement, marketing and advertising programs.

(b) To establish and promote orderly marketing of potatoes, to provide for potato inspection by the established federal-state inspection service or the use of special permits or identification to permit storage or processing in transit, and to provide methods and means for ascertaining and developing better methods of producing and marketing potatoes.

(c) To provide means and methods for the development of new and larger markets for potatoes grown within the state.

(d) To eliminate or reduce the economic waste in production, packing and marketing of potatoes grown within the state.

§ 4. DEFINITIONS.)

(a) The term "potatoes" as used in this Act means any and all white Irish potatoes produced or handled within the state.

(b) "Producer" means any person engaged in the business of producing or causing to be produced for market any potatoes within the state.

(c) "Handler" means and includes any person in the business of buying, receiving, selling or shipping potatoes for profit or remuneration.

association, grower or any other business unit.

(d) "Person" means individual, partnership, corporation.

(e) The term "grower" means any person who grows or shares in the ownership of potatoes grown for market on one or more acres.

(f) "Commission" means the North Dakota Potato Development Commission.

(g) The term "commission's order" means any order issued by the commission pursuant to this Act, prescribing rules and regulations pertaining to the collection of fees and disbursement of funds and restricting or regulating the sale of cull potatoes.

(h) The term "cull potatoes" means any potatoes which because of quality, condition, or size, fail to meet any of the standard classifications described in the official United States and/or North Dakota regulations as applied to potatoes.

(i) The term "processing" means receiving, grading, packing and/or loading potatoes in preparation for marketing or offering on the market. The term "processor" means any person engaged within this state in any of such activities.

§ 5. POTATO DEVELOPMENT COMMISSION.) The governor shall appoint a commission to be known as the North Dakota Potato Development Commission, to consist of three members, one of whom shall, at the time of his appointment, be the president of the North Dakota Certified Seed Potato Growers Association, and one of whom shall, at the time of his appointment, be either the president or the vice president of the Red River Valley Potato Growers Association. The term of office of the members of the commission shall be one year from and after the first day of July in each year.

§ 6. POWERS OF COMMISSION.) (a) The commission shall administer and enforce the provisions of this Act and shall have and may exercise any or all of the administrative powers conferred by this Act, except such as are herein given to the board of control. In order to effectuate the declared purposes of this Act, the commission is hereby authorized to issue, administer and enforce the provisions of the commission's orders hereunder regulating the shipment of cull potatoes and the collection of fees (not exceeding one cent per hundredweight of potatoes

(b) Whenever the commission has reason to believe that the issuance of a commission's order will tend to affect the declared shipped), and the disbursement of funds as provided in this Act.

policy of this Act with respect to potatoes, it shall give due notice of and an opportunity for a public hearing upon a proposed commission's order.

(c) Due notice of any hearing called for such purpose shall be given to all persons, who may be directly affected by any action of the commission pursuant to the provisions of this Act, and whose names appear upon lists to be filed by such potato industry with the commission. Such hearing shall be open to the public. All testimony shall be received under oath and a full and complete record of all proceedings at any such hearing shall be made and filed by the commission in the office of the attorney general.

(d) In order to effectuate the declared policy of this Act, the commission shall have the power, after due notice and opportunity for hearing, to prepare a commission's order and submit same to the potato industry for approval. Such order shall not become effective unless it is approved by a public referendum by at least 2/3rds of the potato growers voting in such referendum. The provisions of such commission's order shall be only those provisions provided for in Section 7 of this Act.

§ 7. BOARD OF CONTROL.) (a) Any commission's order issued pursuant to this Act shall provide for the establishment of a board of control to administer such order in accordance with its terms and provisions. The members of the board of control shall be appointed by the commission from nominations submitted by the industry within the affected area and shall hold office until the expiration of term or until such appointment is withdrawn by the commission for cause. Such board of control shall consist of seven members to be selected by the commission from the nominees submitted by the potato industry, and, in addition the commissioner of agriculture and labor, the state seed commissioner and the director of the experiment station shall be ex officio members. The ex officio members shall meet with the board and act in advisory capacity but shall have no vote. The term of office of the appointed members shall be two years from and after July 1, except that of the first seven members appointed, four shall serve for two years and three shall serve for one year. The potato industry shall submit nominations of at least two names for each position to be filled on such board.

(b) No member of any such board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in performing his duties herein authorized. The commission may authorize such board to employ necessary personnel, including an attorney approved by the attorney general, fix collected as herein provided, as the commission may deem neces-

sary and proper to enable such board properly to perform such of its duties as are authorized herein. The powers and duties of their compensation and terms of employment, and to incur such expenses, to be paid by the board of control from moneys any such board of control shall be administrative only and shall include only the following:

(1) Subject to the approval of the commission to administer such commission's orders.

(2) To recommend to the commission administrative rules and regulations relating to the commission's orders.

(3) To receive and report to the commission complaints of violations of the orders.

(4) To recommend to the commission for its approval an estimated budget of expense necessary for the operation of any commission's order established by authority of this Act; and also submit for approval a method of assessing and collecting such funds as the commission may find necessary for the administration of such orders.

(5) To recommend to the commission amendments to the commission's orders.

(6) To assist the commission in the collection of such necessary information and data as the Commission may deem necessary to the proper administration of this Act.

#### § 8. COMMISSION'S ORDERS.)

(a) In accordance with the provisions, restrictions and limitations set forth herein any order issued by the commission pursuant to this Act may contain any or all of the following provisions, but no others:

(1) Provisions for entering into contracts with corporations, organizations, or agencies which have facilities, personnel or knowledge which in the opinion of the board of control would make such corporation, organization or agency competent to carry out the program or portions thereof outlined by the board of control and recommend to the commission payment for such services from the funds collected by the board under the commission's order.

(2) Provision for the compulsory inspection by the established federal-state inspection service, and/or special permit or identification to allow for storage or processing in transit.

(3) Provisions for establishment of plans for research and advertising and sales promotion to create new and larger markets for potatoes grown in the state of North Dakota, provided that any such plans shall be directed towards increased sale of potatoes

without reference to a particular brand or trade name which is the private property of any person.

(4) Provisions for prohibiting the sale or offering for sale or shipments of cull potatoes on the commercial market, except such potatoes as carry the official tag or other official designation of the North Dakota seed certification department.

(5) Provisions authorizing the control board to obtain a special mark or insignia and establishing rules, regulations governing its use and making the same available to any and all potato producers, or handlers, who are willing to abide by such rules and regulations. Such mark or insignia may be copyrighted in the name of the control board and can be used only on specific permission granted by the control board.

(6) Provisions for entering into cooperative arrangements with organizations or state and federal agencies, including those of other states, whenever, in the opinion of the board of control and the commission, such cooperative arrangements will assist in furthering the declared policies of this Act, and to make payment from the funds collected under this Act to such cooperative arrangement.

(7) Provisions fixing fees and the method of collecting the same as hereinafter provided.

(b) Any order established under this Act may be terminated in the following manner: a petition signed not later than July 1st in any year by at least 150 potato growers living in the counties covered by the program of which there are at least five growers from each county signing, will make it mandatory upon the commission to call a meeting of potato growers at a central point. If the meeting has a total attendance of at least 150 potato growers made up of not less than five from each county, and if two-thirds of the growers attending such meeting vote in favor of a referendum, the commission shall arrange for a referendum. If a majority of the growers voting at such referendum election favor a termination of the order, the order shall be terminated within thirty days after the results of the referendum are determined.

(c) Upon the issuance of any commission's order, or any suspension, amendment or termination thereof, a notice shall be posted on a public bulletin board to be maintained by the control board at its office and a copy of such notice shall be published in a newspaper of general circulation published in the area to which the order applies and in such other newspaper or newspapers as the commission may prescribe. No order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five (5) days from the date of such posting and publication. It shall also be the duty of the com-

mission to mail a copy of the notice of said issuance to all persons, directly affected by the terms of such order, suspension, amendment or termination, whose names and addresses may be on file in the office of the board of control and to every person who files in the office of the board of control a written request for such notice.

§ 10. BUDGETING AND COLLECTION OF FEES.)

(a) For the purpose of providing funds to defray the necessary expenses incurred by the board of control in the formation issuance, administration and enforcement of any order issued by the commission hereunder, the board of control shall prepare the necessary budget for the cost of same. Likewise the board shall prepare a budget for administration and operating cost and expenses, including amounts to be spent for research and development work, for advertising, sales promotion and for contractual operations, whenever, in its judgment, such contracts are most desirable to carry out the declared provisions of the order. Both budgets, with the provision for collection of such necessary fees, the time and conditions of such payment, and in no case to exceed one cent (1c) per hundredweight of all potatoes sold or shipped within the area covered by the order, shall be subject to approval by the commission. Each and every person engaged in the production, processing or handling of potatoes sold or shipped within the state and directly affected by any order issued pursuant to this Act shall pay to the control board at such time and in such manner prescribed by the order as adopted an assessment covering the budgets provided by this Act. That fraction which the general budget shall have allocated to advertising and promotion of all fees which are collected upon certified seed potatoes shall be remitted to the state seed commissioner for disbursement by him for the advertisement and promotion of North Dakota certified seed potatoes as provided for by Section 4-1013 of the 1949 Supplement to the Revised Code of 1943, or amendments thereof.

(b) The board of control may require each and every producer, processor, distributor or handler directly affected by any marketing order to deposit with him in advance, an amount based upon the estimated gross dollar volume of sales by such producer or the dollar volume of purchases or amounts handled by such processor, distributor or handler during the period or periods covered by such commission's order. At the close of such period or periods, the sum so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual gross dollar volume or sales by such producer or actual dollar volume of purchases or amount handled by such processor, distributor or handler during

such period or periods. The commission shall have the power, if deemed feasible, to provide by order for the issuance of "Potato Promotion Stamps" to be purchased from the board of control and to be affixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets, or such other containers or records as may adequately provide notice that such tax has been paid, and for the cancellation of such stamps and all regulations to be followed in connection therewith.

(c) The commission shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

(d) Any moneys collected by the control board or its authorized employees shall be deposited in a bank or banks approved by the commission and may be disbursed by the board of control or its authorized representative for the actual expenses incurred in carrying out the provisions of the order. All persons authorized to control, handle or disburse such funds, shall provide bond in such manner and in such amount as required by the commission.

§ 11. AREAS.) Orders issued by the commission under this Act may be limited in their application by prescribing the areas or portions of the state in which a particular order shall be effective. Provided, that no order shall be issued by the commission unless it embraces all persons of a like class in a given area who are engaged in processing, production or marketing potatoes.

§ 12. ENFORCEMENT.)

(a) The commission and the board of control shall be responsible for the administration and enforcement of this Act.

(b) All fees herein provided for shall be collectible by the board of control through civil action; and injunction shall be available as a remedy for the violation or to prohibit future avoidance or violation of any orders issued pursuant to this Act. Violations of this Act, or any commission's order issued pursuant thereto, shall be punishable by a fine of not to exceed one hundred dollars (\$100.00) or confinement in the county jail for not to exceed thirty days. The state's attorney of each county within the affected area shall represent the board of control and assist in the collection of fees and the enforcement of this Act and orders issued pursuant to this Act.

(c) Upon the filing of a verified complaint charging violation of any provisions of this Act or of any provisions of any order issued by the commission hereunder, and prior to the

institution of any court proceeding authorized hereinafter, the board of control may in its discretion refer the matter to the attorney general or any state's attorney of this state for action pursuant to the provisions of this Act, or call a hearing to consider the charges set forth in such verified complaint. In such case, the board of control shall cause a copy of such complaint together with a notice of the time and place of hearing of such complaint, to be served personally, or by mail, upon the person or persons named as respondent or respondents therein. Such service shall be made at least three days before said hearing shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, at the discretion of the board. At the time and place designated for such hearing, the board of control or its agents shall hear the parties to said complaint and shall enter in the office of the attorney general at Bismarck, its findings based upon facts established at such hearing.

(d) If the commission finds that no violation has occurred, it shall forthwith dismiss such complaint and notify the parties to such complaint.

(e) If the commission finds that a violation has occurred it shall so enter its findings and notify the parties to such complaint. Should the respondent or respondents thereafter fail, neglect or refuse to desist from such violation, within the time specified by the commission, the commission may thereupon file a complaint against such respondent or respondents in a court of competent jurisdiction as set forth hereinafter.

(f) Each state's attorney of this state may, upon his own initiative, and shall upon any complaint of any person, if, after investigation, he believes a violation to have occurred, bring a criminal action in the proper court in his district in the name of the people of this state against any person violating any provision of this Act or of any order duly issued by the commission hereunder.

(g) The board of control, upon approval of the attorney general of this state may if, after investigation he believes a violation to have occurred, bring an action in the name of the people of this state in the proper courts of the state of North Dakota for an injunction against any person violating any provisions of this Act or any order duly issued by the commission hereunder.

(h) The court may issue a temporary restraining order and preliminary injunction as in other actions for injunctive relief and upon trial of such action and, if judgment be in favor

of the plaintiff, the court shall permanently enjoin defendant from further violations.

(i) The judgment, if in favor of the plaintiff, shall provide that the defendant pay to the plaintiff reasonable costs of such suit including attorney's fees incurred by the board of control in the prosecution of such action.

(j) Any such action may be commenced either in the county where defendant resides, or where any act or omission or part thereof complaint thereof occurred.

(k) The penalties and remedies herein prescribed with respect to any violation mentioned herein shall be concurrent and alternative and neither singly nor combined shall the same be exclusive and either singly or combined the same shall be cumulative with any and all other civil, criminal or administrative rights, remedies, forfeitures or penalties provided or allowed by law with respect to any such violation.

§ 12. Any assessment herein levied, in such specified amount as may be determined by the commission pursuant to the provisions of this Act shall constitute a personal debt of every person so assessed and shall be due and payable to the board of control when payment is called for by the board. In the event of failure of such person or persons to pay any such assessment upon the date determined by the board, the board may file a complaint against such person or persons in a state court of competent jurisdiction for the collection thereof, as provided in section 11.

§ 13. RESPONSIBILITY OF BOARD AND EMPLOYEE.) The members of any such board of control duly appointed by the commission, including employees of such board, shall not be held responsible individually in any way whatsoever to any producer, processor, distributor or other handler or any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of such board. The liability of the members of such board shall be several and not joint and no member shall be liable for the default of any other member.

§ 14. RECORDS TO BE KEPT AND FURNISHED.)

(a) The board of control may require any and all processors, or distributors subject to the provisions of any marketing order issued pursuant to this Act, to maintain books and records reflect-

ing their operations under said marketing order, and to furnish to the board of control or his duly authorized or designated representatives, such information as may be from time to time requested by them relating to operations under any such order, and to permit the inspection by said board of control or its duly authorized or designated representatives, of such portions of such books and records as relate to operations under said marketing order.

(b) Information obtained by any person hereunder shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed to give legal advice thereupon, or by court order.

(c) For the purpose of carrying out the purposes of this Act, the commission and/or the board of control may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, or documents of any kind.

(d) No person shall be excused from attending and testifying or from producing documentary evidence before the commission or board of control in obedience to the subpoena of the commission or board of control on the ground or for the reason that the testimony or evidence, documentary, or otherwise, required by him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may be so required to testify, or produce evidence, documentary or otherwise, before the commission or board of control in obedience to the subpoena issued by him. Provided, that no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

§ 15. DEPOSIT REQUIRED.)

(a) Prior to the issuance of any marketing order by the commission, under this Act, the commission may require the applicants therefor to deposit with it such amount as the commission may deem necessary to defray the expenses of preparing and making effective such marketing order. Such funds shall be received, deposited and disbursed by the commission in accordance with the provisions as set forth in Section 9 hereof.

(b) The commission may reimburse the applicant in the amount of any such deposit from any funds received by the commission pursuant to the provisions of Section 9.

Approved March 6, 1951.

## CHAPTER 95

H. B. No. 566  
(Legislative Research Committee)  
at the request of  
(The Poultry Improvement Board)

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POULTRY IMPROVEMENT BOARD; MEETINGS, ETC.

AN ACT

To amend and reenact section 4-1306 of the North Dakota Revised Code of 1943, relating to the poultry improvement board.

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

§ 1. AMENDMENT.) Section 4-1306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1306. BOARD: CHAIRMAN OF; MEETINGS OF; QUORUM; REGULATIONS.) The board shall elect one of its members chairman of the board to serve for the period of time determined by the board. The board shall hold its meetings at such times and places within the state as it may determine, but there shall not be more than four regular meetings each year. The chairman of the board may call special meetings whenever in his judgment it is necessary. A majority of the appointed members of the board shall constitute a quorum for the transaction of business. The board shall make all necessary rules and regulations for the conduct of its meetings and business, and for carrying out the purposes of this chapter.

Approved February 23, 1951.

## CHAPTER 96

H. B. No. 574

(Legislative Research Committee)  
at the request of  
(The State Dairy Commissioner)

GRADES OF CREAM AND BUTTERFAT; RECORDS  
OF PURCHASES

## AN ACT

To amend and reenact section 4-1815 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to grades of cream and butterfat; providing for standards of grading; and requiring the coloring of "unlawful cream," and the keeping of records.

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

§ 1. AMENDMENT.) Section 4-1815 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1815. GRADES OF CREAM AND BUTTERFAT BASED ON SEDIMENT CONTENT AND QUALITY.) All cream and butterfat sold and purchased shall be graded and paid for on the basis of the following established grades:

1. "Sweet cream" shall have only the fresh natural cream flavor and odor except that it may have a slight feed flavor and odor. Acidity calculated as lactic acid, shall not exceed two-tenths of one percent. The sediment pad shall not exceed number three;
2. "Grade one" shall have a fresh natural cream flavor and odor except that it may have a slight to definite feed or slight to definite acid flavor and odor. Acidity calculated as lactic acid shall not exceed seven-tenths of one percent. The sediment pad shall not exceed number four;
3. "Grade two" shall have not more than pronounced feed and definite degrees of stale, acid, weak, bitter, and other unnatural but not offensive flavors and odors. Acidity calculated as lactic acid shall not exceed eight-tenths of one percent. The sediment pad shall not exceed number four;

4. "Unlawful cream" is cream which contains dirt, filth, or other extraneous matter which would make it unfit for human food, or which has an offensive feed, weed, stale, or other unnatural flavor and odor, or is foamy, or cheesy, or shows surface mold, or is putrid or decomposed, or in which the acidity calculated as lactic acid is in excess of eight-tenths of one percent, or in which the sediment pad is in excess of number four; and
5. All persons, firms, or corporations authorized to purchase cream or butterfat shall add a harmless vegetable color to all "unlawful cream" offered for sale. Cream so colored shall then be returned to the party offering it for sale. All licensed cream buyers shall keep a record of cream or butterfat purchased as to grade and sediment test. Such record shall be available for inspection for six months from the date of purchase.

In making the sediment test provided for in this section, a pint off the bottom sample shall be used. The sediment discs shall be rated on the basis of the state dairy department sediment standards for milk and cream.

Approved March 5, 1951.

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## CHAPTER 97

H. B. No. 573

(Legislative Research Committee)  
at the request of  
(the State Dairy Commissioner)

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### SELLING IMPURE OR ADULTERATED MILK, CREAM, OR SKIMMED MILK; PENALTY

#### AN ACT

To amend and reenact section 4-1846 of the North Dakota Revised Code of 1943, relating to the sale of impure, or adulterated milk, cream, or skimmed milk.

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

§ 1. AMENDMENT.) Section 4-1846 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1846. SELLING IMPURE, OR ADULTERATED MILK, CREAM, OR SKIMMED MILK; PENALTY.) Any person who shall sell, or expose

for sale or exchange, or deliver or bring to another, for domestic or potable use, or to be converted into any product of human food, any unclean, impure, adulterated, or unwholesome milk, cream, or skimmed milk, or milk from which has been held back what commonly is known as strippings, or milk, or cream taken from an animal having disease, ulcers, abscesses, or running sores, or which has been taken from animals within fifteen days before or five days after parturition, is guilty of a misdemeanor.

Approved March 5, 1951.

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## CHAPTER 98

H. B. No. 760  
(Schmidt-Hageman)

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### NURSERIES AND NURSERY STOCK; INSPECTION

#### AN ACT

Relating to nurseries and nursery stock and the inspection thereof, and repealing chapter 4-20 of the North Dakota Revised Code of 1943.

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

§ 1. DEFINITIONS.) As used in this Act, unless the context or subject matter otherwise requires:

1. "Insect pests and diseases of nursery stock" shall mean and include any stage of development of an insect, nematode, or other invertebrate, or any other parasite of virus, bacterial, fungus or plant origin which is injurious to nursery stock. Alternate hosts of serious crop diseases covered by quarantines and regulations shall be construed as being included within this subsection;
2. "Nursery stock" shall mean and include trees, shrubs, and other plants having a persistent woody stem, and all hardy herbaceous perennials, and parts thereof capable of propagation;
3. "Certified nursery stock" shall mean and refer only to nursery stock which has been inspected by the state entomologist and found to be free of insect pests and diseases of nursery stock;
4. "Nursery" shall mean and include any place where nursery stock is grown, stored or handled for sale or distribution;

5. "Nurseryman" shall mean and include any person who owns, leases, manages, or is in charge of a nursery and who grows or propagates nursery stock for sale or distribution;
6. "Person" shall include a corporation, company, society, association, partnership, or any individual or combination of individuals or government agency;
7. "Dealer" shall mean any person, not a grower of nursery stock, who obtains nursery stock for the purpose of sale or distribution; and
8. "Commissioner" shall mean the commissioner of agriculture and labor of this state.

§ 2. COMMISSIONER TO APPOINT STATE ENTOMOLOGIST; NURSERY INSPECTOR.) The commissioner shall appoint a state entomologist who shall be in charge of nursery inspection under the supervision of the commissioner.

§ 3. POWERS AND DUTIES OF STATE ENTOMOLOGIST.) Under the supervision of the commissioner, the state entomologist shall:

1. Inspect at least once each year during the growing period all nursery stock;
2. Require, at the owner's expense, the destruction or treatment of nursery stock harboring insect pests or diseases;
3. Issue certificates for approved nursery stock and revoke the same when inspection shows stock to be diseased or to be harboring insect pests;
4. Enter and inspect any place which might harbor insect pests and disease of nursery stock;
5. Require the destruction or treatment of nursery stock harboring insect pests and diseases; and
6. Adopt such rules and regulations as may be necessary to carry out the provisions of this Act.

§ 4. COMMISSIONER TO ISSUE LICENSES; REVOCATION.) The commissioner shall issue licenses or permits for nurseries and may revoke any such licenses or permits for due cause after a hearing has been held as provided for by chapter 28-32 of the North Dakota Revised Code of 1943.

§ 5. DEALER'S LICENSE REQUIRED; FEE.) Every person engaged in selling, distributing, or otherwise dealing in certified nursery stock shall obtain a dealer's license from the commissioner before doing business within this state. The annual fee for such license for the year beginning April 15th for any one place of business where nursery stock is sold or distributed by the dealer shall be ten dollars.

§ 6. NURSERY LICENSE FEE.) Every person engaged in the growing of nursery stock for the purpose of sale or distribution shall pay an annual nursery license fee of ten dollars. The annual

nursery license shall be obtained from the commissioner for the year beginning September 15th.

§ 7. CERTIFICATE OF INSPECTION.) A certificate of inspection for the year beginning September 15th may be issued by the state entomologist for any nursery which is found to be free from insect pests and diseases of nursery stock and which is found to have otherwise complied with the provisions of this Act.

§ 8. CERTIFIED NURSERY STOCK TO BEAR TAGS OF INSPECTION DATE.) All certified nursery stock held for sale or distribution shall have attached thereto a statement signed by the state entomologist, showing the date of inspection.

§ 9. STATE ENTOMOLOGIST MAY ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER STATES.) The state entomologist with the approval of the commissioner may enter into reciprocal agreements with the responsible officers of other states under which nursery stock may be sold in this state without a bond requirement, the payment of fees, or special tags if similar privileges are accorded nurserymen and dealers of this state.

§ 10. REPORTING SHIPMENTS FROM FOREIGN COUNTRIES.) Each person receiving, directly or indirectly, any nursery stock from a foreign country shall notify the state entomologist of the arrival of such stock, the kinds and amounts of the same, and the name of the consignor. Such shipments shall be held in the original container until inspected and released by the state entomologist.

§ 11. REPORTING UNCERTIFIED STOCK.) Each person receiving directly or indirectly any nursery stock which is not accompanied by a valid shipping inspection tag shall notify the state entomologist of the arrival of such stock, the kinds and amounts of the same, and the name of the consignor and shall hold such stock until inspected and released by the state entomologist.

§ 12.) SHIPPING TAGS; CONTENTS.) A shipping tag bearing a copy of the certificate of inspection must be attached to every package, bundle, or individual plant coming under the classification of nursery stock which is sold or transported by any person.

§ 13. FILING OUT-OF-STATE CERTIFICATE OF INSPECTION.) Each out-of-state nurseryman whose nursery stock is sold, offered for sale, or distributed within this state, must have a certified copy of a certificate of inspection for the current fiscal year on file in the office of the state entomologist of this state.

§ 14. VIOLATIONS OF ACT; WHAT CONSTITUTES.) No person shall:

1. Fail to carry out the treatment or destruction of condemned nursery stock after official notification by the state entomologist;
2. Fail to remove or destroy alternate host plants of serious crop diseases in accordance with official notification from the state entomologist;

3. Sell, transport, or offer for sale nursery stock which has not been inspected and certified by a state entomologist to be free of insect pests and disease;
4. Use an invalid certificate of inspection, nursery license, or shipping tag in the sale or distribution of nursery stock;
5. Misrepresent or mislabel nursery stock as to vigor, variety, viability, and hardiness; or
6. Hinder or prevent the state entomologist from carrying out the provisions of this act.

§ 15. PENALTY.) Any person violating any of the provisions of this Act is guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars.

§16. COMMISSIONER TO RECEIVE AND COLLECT MONEY.) The commissioner shall receive and account for all moneys collected under the provisions of this Act and shall pay the same to the state treasurer monthly.

§ 17. REPEAL.) Chapter 4-20 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 6, 1951.

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## CHAPTER 99

H. B. No. 649  
(Monke, Maher and Zurcher)

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### SOIL CONSERVATION DISTRICTS; COMMITTEE MEMBERS; ELECTION; SUPERVISORS

#### AN ACT

To amend and reenact sections 4-2203 and 4-2222 of the North Dakota Revised Code of 1943 and section 4-2221 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to soil conservation districts; providing for appointment of four farmer members to the soil conservation committee, and the election of district supervisors at the regular state general election, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 4-2203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-2203. STATE SOIL CONSERVATION COMMITTEE: MEMBERS; COMPENSATION OF; RECORDS AND SEAL.) The "state soil conservation committee" shall be maintained as an agency of this state

to perform the functions conferred upon it in this chapter. The committee shall be composed of ex-officio members to consist of the governor, the commissioner of agriculture and labor, the director of the state extension service, and one member to be appointed by the secretary of agriculture of the United States, and regular members to consist of four soil district supervisors. Such regular members first appointed shall be appointed by the present state soil conservation committee from a list of at least eight supervisors submitted by the state association of soil district supervisors. The term of appointment for the regular members shall be for two years each, except that in the first appointment of regular members two shall be appointed for two year terms, and two shall be appointed for one year terms. The members of the committee shall receive no compensation for serving on such committee other than their traveling expenses necessarily incurred in carrying out the duties prescribed for such committee under the terms of this chapter. The committee shall keep a record of its official actions, shall adopt a seal which shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter.

§ 2. AMENDMENT.) Section 4-2221 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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 and place as the regular state general election. The judges and election officers at such district general election shall be the regularly appointed (the) officers of the soil conservation district. 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. Election supplies for such district general elections shall be distributed by the auditors of the counties in which the district is located.

§ 3. AMENDMENT.) Section 4-2222 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-2222. SUPERVISORS: TERMS OF OFFICE; ELECTION OF CHAIRMAN; VACANCIES; REMOVAL.) The election at which the supervisors first are elected shall be considered as the first general election of the district regardless of when such election is held.

The supervisor receiving the highest number of votes at the first general election shall serve until January 1st, following the fourth general election of the district. the supervisor receiving the next highest number of votes shall serve until January 1st, following the third general election, and the supervisor receiving the next highest number of votes shall serve until January 1st, following the second general election of the district. All supervisors elected at other than the first general election of the district shall hold office for a term of six years beginning January 1st, following the election at which he was elected. If a vacancy shall occur in the office of supervisor, the remaining supervisors, with the consent and advice of the committee, shall fill the vacancy by appointment, and a supervisor appointed to fill a vacancy shall serve until the next general election of the district at which time a supervisor shall be elected to fill the unexpired term. Each supervisor, however, shall hold his office and continue to serve until his successor has been elected and qualified. Any supervisor may be removed by the committee for neglect of duty or malfeasance in office after hearing upon notice to the supervisor involved. The present soil district supervisors whose terms expire in March 1951, shall hold office until January 1, 1953.

§ 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 5, 1951.

**ALCOHOLIC BEVERAGES**

## CHAPTER 100

H. B. No. 661  
(Levin and Peterson of Dickey)

## DISPOSITION OF WHOLESALE LIQUOR TAX

## AN ACT

To amend and reenact section 5-0311 of the North Dakota Revised Code of 1943, relating to the disposition of the tax on sales by licensed wholesale liquor dealers provided for in subsections 1 and 2 of section 5-0310 of the North Dakota Revised Code of 1943; providing that fifty-five percent of the revenue from such tax shall be placed in the charitable institutions revolving fund.

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

§ 1. AMENDMENT.) Section 5-0311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0311. DISPOSITION OF TAX.) Fifty-five percent of the revenue from the tax provided for under subsections 1 and 2 of section 5-0310 shall be placed in the charitable institutions revolving fund. The remainder of all funds collected by and paid to the state treasurer under the provisions of section 5-0310 shall be credited promptly to the general fund of the state.

Approved March 1, 1951.

## CHAPTER 101

S. B. No. 247  
(Day, Knudson and Duffy)

## ALCOHOLIC BEVERAGE LICENSE; FEE

## AN ACT

To amend and reenact sections 5-0501 and 5-0502 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to license of alcoholic beverages required from attorney general.

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

§ 1 AMENDMENT.) Section 5-0501 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0501. LICENSE REQUIRED FROM ATTORNEY GENERAL.) 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 subdivision. 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, (chapter 5-002) as amended, and of alcohol or alcoholic beverages under the provisions of the liquor control act (chapter 5-03), 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. A license issued under the provisions of this section shall be continued in full force and effect, unless revoked, provided that the licensee annually pays the prescribed license fee and complies with the qualifications set out in section 5-0503 of the 1949 Supplement.

§ 2. AMENDMENT.) Section 5-0502 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0502. LICENSE FEE.) License fees shall be charged 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).  
Approved March 9, 1951.

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## CHAPTER 102

H. B. No. 599  
(Judiciary Committee)

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### COURT REVIEW OF REVOKED OR SUSPENDED ALCOHOLIC BEVERAGE LICENSES

#### AN ACT

To amend and reenact section 5-0515 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to review by the court of revoked or suspended license for alcoholic beverages.

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

§ 1. AMENDMENT.) Section 5-0515 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0515. REVIEW BY 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 taken in the manner provided in chapter 28-32 of the title Judicial Procedure, Civil, as now or hereafter amended, 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.

Approved March 7, 1951.

## BANKS AND BANKING

### CHAPTER 103

H. B. 700  
(Holland and McLellan)

#### INVESTMENT OF TRUST FUNDS

##### AN ACT

To amend and reenact section 6-0515 of the North Dakota Revised Code of 1943 relating to investment of trust funds.

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

§ 1. AMENDMENT.) Section 6-0515 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0515. INVESTMENT OF TRUST FUNDS.) Any sum of money, which shall be collected or received by any such corporation in its trust capacity, and which shall not be required for the purposes of such trust, or which is not to be accounted for within one year from the date of such collection, receipt, or deposit, shall be invested by the corporation as soon as practicable. At least fifty percent of the funds available for investment shall be invested in accordance with the provisions of sections 6-0347, 6-0348, or 7-0409 or in the following securities:

1. Bonds of the United States or of the state of North Dakota;
2. Bonds of other states which shall have the approval of the state auditor and the state examiner;
3. Bonds or obligations of any township, school district, city, village, or county within this state, whose total bonded indebtedness does not exceed five percent of the then assessed valuation thereof; or
4. Bonds or promissory notes secured by first mortgages or deeds of trust upon unencumbered real estate situated within the state of North Dakota worth two times the amount of the obligation so secured.

In acquiring, investing, reinvesting, exchanging, retaining, selling and managing the remaining property for the benefit of another,

the trustee shall exercise the judgment and care under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Within the limitations of the foregoing standard, the trustee is authorized to acquire and retain every kind of property real, personal or mixed, and every kind of investment, specifically including but not by way of limitation, bonds, debentures, and other corporate obligations and stocks, preferred or common, including investment trusts, which men of prudence, discretion and intelligence acquire or retain for their own account, and within the limitations of the foregoing standard, the trustee may retain property properly acquired without limitation as to time and without regard to its suitability for original purchase. The net interest and profits of such investments, less the reasonable charges and disbursements of the corporation in connection therewith, shall be accounted for and paid over as a part of such trust. The net accumulations of such interest and profits likewise shall be invested and reinvested as a part of the principal, and such investments shall be received and allowed in the settlement of the trust.

Approved March 6, 1951.

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## CHAPTER 104

S. B. No. 121  
(Duffy and Sandness)

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### REGULATING CREDIT UNIONS

#### AN ACT

To amend and reenact subsections 1, 2, 3, and 4 of section 6-0602, sections 6-0606, subsection 7 of section 6-0612, 6-0613, 6-0626 and 6-0630 of the North Dakota Revised Code of 1943, and sections 6-0604 and 6-0608 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to credit unions; providing for the manner of managing, the method of the amendment of the certificate of organization or by-laws, the powers of credit unions, the supervision of credit unions, the duties, election and compensation of officers, and providing for dividends, voluntary liquidation, and the amount and manner of establishing special reserves for delinquent loans and investments.

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

§ 1. AMENDMENT.) Subsections 1, 2, 3 and 4 of section 6-0602 of the North Dakota Revised Code of 1943, are hereby amended and reenacted to read as follows:

6-0602. MANNER OF ORGANIZATION OF CREDIT UNIONS.) A credit union shall be organized in the following manner:

1. The applicants shall execute a certificate of organization, in triplicate, by the terms of which they agree to be bound, stating the name and location of the proposed credit union, the names and addresses of the subscribers to the certificate and the number of shares subscribed by each, and the par value of the shares of the credit union, which shall not exceed ten dollars each;
2. The applicants shall prepare and execute proposed by-laws, in triplicate, for the general governance of the credit union consistent with the provisions of this chapter;
3. The certificate and the proposed by-laws, both executed in triplicate, shall be forwarded to the state examiner;
4. The state examiner, within thirty days after the receipt of certificate and by-laws shall determine whether they comply and are consistent with the provisions and purposes of this chapter;

§ 2. AMENDMENT.) Section 6-0604 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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. Proposed amendments to the certificate of organization or the by-laws shall, before submission to members for adoption, be approved by the state credit union board, and shall become operative immediately upon approval of the membership of the credit union. The resolution containing the full text of any amendment of 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 places of business of the credit union is located. The applicants shall, within thirty days thereafter, provide the state examiner with a true and correct copy of the amendment to the certificate of organization or the amendment to the by-laws.

§ 3. AMENDMENT.) Section 6-0606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0606. POWERS OF CREDIT UNIONS.) A credit union shall have the following powers:

1. To receive the savings of its members either as payment on shares or as deposits, including the right to conduct Christmas clubs, vacation clubs, and other such thrift organizations within its membership;
2. To make loans to members for provident or productive purposes;
3. To make loans to a cooperative society or other organization having membership in the credit union;
4. To deposit its moneys in state and national banks and trust companies and central credit unions authorized to receive deposits;
5. To invest in the following:
  - a. In bonds of the United States;
  - b. In bonds or evidences of debt of this state or in bonds of other states of the United States;
  - c. In bonds or certificates of indebtedness of any county, city, village, or school district in this state, issued pursuant to authority of law, but not to exceed thirty percent of the assets of any credit union may be invested in such bonds or certificates of indebtedness;
  - d. In notes or bonds secured by mortgage or deed of trust upon unencumbered, improved real estate in this state, if such investment shall not exceed sixty-five percent of the actual cash value of the property mortgaged, and fire and tornado insurance policies are maintained and deposited as collateral to such mortgage, subject to such restriction and regulations as may be imposed by the state credit union board;
  - e. In notes or bonds secured by mortgage upon unencumbered personal property in this state, if such investment shall not exceed seventy-five percent of the actual cash value of the property mortgaged;
  - f. In first lien, public utility, industrial, corporation or association bonds, notes or other evidences of debt issued by corporations located in the United States of America to the extent authorized by the state credit union board.
6. To borrow money as limited in this chapter;
7. To establish a permanent loan fund, if approved by the majority vote of the members present at any regular meeting or at any special meeting regularly called for that purpose;
8. To sue and be sued;
9. A credit union may invest in a credit union office building including the lot, piece, or parcel of land on which the same is located, and in furniture and fixtures, to the

- extent authorized by regulations issued by the state credit union board; and
10. Every state credit union shall have the power to purchase, hold and convey other real estate as herein provided, and not otherwise:
    - a. Such as shall be mortgaged to it in good faith by way of security for loans, or for debts previously contracted,
    - b. Such as shall be conveyed to it in good faith in satisfaction of debts previously contracted in the course of its dealings; and
    - c. Such as it shall purchase at sales under judgments, decrees, or mortgages held by the credit union, or shall purchase to secure debts due to it.

§ 4. AMENDMENT.) Section 6-0608 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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 credit unions shall report to the state examiner at least once annually, upon call of the state examiner, on blanks supplied by the examiner for the 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 an 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 a fee equal to twenty cents per thousand dollars of assets for the first one hundred thousand dollars, and ten cents per thousand dollars of assets in excess of one hundred thousand dollars, except that the minimum fee for the examination of a credit union shall be five dollars.

§ 5. AMENDMENT.) Subsection 7 of section 6-0612 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

6-0612. DIRECTORS; DUTIES AND POWERS.) The directors shall have general management of the credit union, and it shall be their duty particularly:

- (7) To determine the maximum individual shareholdings and the maximum individual loans which can be made, but the maximum loan allowed by the board shall not exceed the amounts listed in the following schedule:

Total Assets	Loan Limit
0 to 70,000	10% with a limit of 5,000
70,001 to 100,000	6,000 limit
100,001 to 200,000	8,000 limit
200,001 to 300,000	10,000 limit
300,001 to 400,000	12,000 limit
400,001 to 500,000	14,000 limit
Over 500,000	3% of assets

In all cases a credit union shall be allowed to loan up to and including two hundred dollars to any individual regardless of the amount of total assets in said credit union. Provided, that the foregoing provisions shall not apply to the North Dakota central credit union.

§ 6. AMENDMENT.) Section 6-0613 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0613. OFFICERS; ELECTION; DUTIES; COMPENSATION.) At the first meeting, the board of directors shall elect from its own members, a president, a vice president, and a secretary, and the board shall appoint a treasurer who may be a member of the board, and one person may hold the offices of treasurer and secretary. The duties of the officers shall be determined by the by-laws. The treasurer shall be general manager of the credit union and may receive a reasonable compensation to be fixed by the board of directors. No other member of the board, or of the credit committee or supervisory committee shall receive any compensation. Except that the board of directors may provide for the payment of expenses incurred by directors or committee members while on official business.

7. AMENDMENT.) Section 6-0626 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0626. DIVIDENDS.) At the end of any fiscal year, a credit union, upon action by its board of directors, may declare a dividend which shall be paid on all outstanding and paid up shares. Except that the members may fix the maximum rate of dividend which shall be paid each year. Such dividend must be paid from the net earnings of the credit union, after establishing a special reserve for delinquent loans as required under this title, but shall not exceed six percent in any case. Shares which become fully paid up during the year shall be entitled to their proportional

part of such dividend calculated from the first day of the first month following the date of such payment. At the end of the fiscal year, a credit union, upon action by its board of directors, may declare and allocate a patronage dividend on interest paid by borrowers after provision has been made for special reserve for delinquent loans as required under this title, and may pay said dividend to borrowers.

§ 8. AMENDMENT.) Section 6-0630 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0630. VOLUNTARY LIQUIDATION AUTHORIZED; QUALIFICATION OF LIQUIDATING COMMITTEE.) A credit union may be liquidated voluntarily after two-thirds of its entire membership shall have voted such liquidation at a special meeting called for that purpose by a majority of its board of directors. Written notice of such meeting, clearly stating the purpose thereof, shall be mailed to each member of the credit union at least thirty days prior to the date set for the meeting. A committee of three members shall be elected to liquidate the credit union by a majority vote of the members present at such meeting. If dissolution is voted, the credit union immediately shall cease to do business except for the purpose of liquidation. Before commencing liquidation, each member of the liquidating committee shall execute and file with the state examiner a bond conditioned for the faithful performance of all duties of his trust, running to the state of North Dakota for the benefit of the members and creditors of the credit union, in such amount and form and with such sureties as shall be approved by the examiner.

§ 9. AMOUNT AND MANNER OF ESTABLISHING SPECIAL RESERVES FOR DELINQUENT LOANS AND INVESTMENTS.) Whenever the reserve, required by section 6-0621 of the North Dakota Revised Code of 1943, shall be inadequate for bad loans or investments, a special reserve for delinquent loans and investments shall be established. The amount of such reserve shall be determined as follows:

1. Loans and investments will be classified by unpaid principal balances as follows:
  - a. Current and less than two months delinquent;
  - b. Military loans;
  - c. Two months to less than six months delinquent;
  - d. Six months to less than twelve months delinquent;
  - e. Twelve months to less than eighteen months delinquent;
  - f. Delinquent eighteen months and over.
2. As of the close of business as of December 31st, the total reserve requirement will be determined from delinquent

loans and investments in classes c, d, e and f as follows:

Ten percent of the total unpaid balances of loans in class c, plus twenty-five percent of the total unpaid balances of loans in class d, plus fifty percent of the total unpaid balance of loans in class e, plus one hundred percent of the total unpaid balance of loans in class f.

The total amounts obtained from the foregoing computations is the total reserve requirement; and

3. From the total reserve requirement, mentioned above, there shall be deducted the amount of the reserve established under section 6-0621 of the North Dakota Revised Code of 1943, after making all transfers thereto for the current year. The special reserve for delinquent loans and investments will then be established by transfer of funds from undivided profits for such amount, if any, by which the total reserve requirement, exceeds the reserve established under said section 6-0621 of the North Dakota Revised Code of 1943.

This special reserve will be established and adjusted as of December 31st of each year, and if the amount carried forward from the previous year, exceeds the amount required for this special reserve, the excess shall be returned to undivided profits.

Approved March 7, 1951.

## **BUILDING AND LOAN ASSOCIATIONS**

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### **CHAPTER 105**

**S. B. No. 160  
(Shure and Bridston)**

#### **LOANS BY BUILDING AND LOAN ASSOCIATIONS**

##### **AN ACT**

To amend and reenact subsection 7 of section 7-0208 of the North Dakota Revised Code of 1943, relating to the making of loans by building and loan associations.

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

§ 1. AMENDMENT.) Subsection 7 of section 7-0208 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. To make loans to members on the security of the shares of the association, and also on their notes secured by first mortgages constituting first liens on improved real estate wholly or in part for dwelling purposes. Loans may be made on business property in an aggregate sum not in excess of twenty percent of the total share capital of the association and such business loans shall not exceed fifty percent of the actual cash value of the property mortgaged.

Approved March 3, 1951.

## CORPORATIONS

### CHAPTER 106

S. B. No. 186  
(Duffy and Page)  
at the request of  
(The State Examiner)

#### AN ACT

Relating to securities; creating a new body of law and providing for the administration thereof, and repealing chapter 10-04 of the North Dakota Revised Code of 1943, as amended.

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

§ 1. TITLE.) This Act shall be known as the securities act of 1951.

§ 2. DEFINITIONS.) When used in this Act, unless the context or subject matter otherwise requires:

1. "Commissioner" shall mean the commissioner of securities of this state;
2. "Dealer" shall mean every person, other than a salesman, who engages in this state, either for all or part of his time,
  - a. Directly or indirectly, as agent, broker or principal in the business of offering, buying, selling or otherwise dealing or trading in securities issued by another person; or
  - b. Directly or through an officer, director, employee or agent, which officer, director, employee or agent is not registered as a dealer under this Act, in selling securities issued by such person.
3. "Registered dealer" shall mean a dealer registered under this Act;
4. "Issuer" shall mean every person who issues or proposes to issue any security, except that,
  - a. With respect to certificates of deposit, voting trust certificates, collateral trust certificates, certificates of interest, or shares in an unincorporated investment trust, whether or not of the fixed, restricted management, or unit type, issuer means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the

- trust or other agreement or instrument under which such securities are issued;
- b. With respect to equipment trust certificates or like securities, issuer means the persons by whom the equipment or property is or is to be used; and
  - c. With respect to fractional interests in oil, gas or other mineral rights, issuer means the owner of any such right or any interest in such rights, whether whole or fractional, fractional interests in which are created for the purpose of sale.
5. "Offer for sale" or "offer to sell" shall mean every attempt or offer to dispose of, or solicitation of an order or offer to buy, a security or interest in a security for value. Every sale or offer for sale of a warrant or right to subscribe to another security of the same issuer or of another issuer, and every sale or offer for sale of a security which gives the holder thereof a present or future right or privilege to convert such security into another security of the same issuer or of another issuer, shall be deemed an offer to sell the security to be acquired by subscription or conversion;
  6. "Person" shall mean an individual, a corporation, a partnership, an association, a joint stock company, a trust or any other unincorporated organization;
  7. "Sale" or "sell" shall mean every sale or other disposition of a security or interest in a security for value, and every contract to make any such sale or disposition. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value;
  8. "Salesman" shall mean an individual, other than a dealer or an officer or director or member of a partnership or firm of a licensed issuer and may be an employee or appointee or authorized by a dealer or an insurer to sell securities in this state, or be self employed in the business of selling a specific security or securities, which have been registered by description or by qualification in this state.
  9. "Registered salesman" shall mean a salesman registered under this Act;
  10. "Investment counsel" shall mean every person other than a registered dealer, who in this state, for compensation, engages in the business of advising others either directly or through publications or writings as to the value of securities or as to the advisability of investing in or purchasing securities, and every person, other than a dealer, who issues or promulgates analyses or issues reports

concerning securities. However, investment counsel does not include any attorney admitted to practice in this state who shall advise a client relative to the value of securities or as to the advisability of investing in or purchasing securities solely in connection with his legal practice, or any national banking association, state banking association or trust company located in this state which shall so advise its customers;

11. "Securities act of 1933" shall mean the Act of Congress of the United States known as the securities act of 1933, as now or hereafter amended;
12. "Security" shall mean any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in oil, gas, or other mineral rights, collateral trust certificates, pre-organization certificate or subscription, transferable share, investment contract, voting trust certificate, or beneficial interest in title to property, profits or earnings, or any other instrument commonly known as a security, including any guarantee of, temporary or interim certificate of interest or participation in, or warrant or right to subscribe to, convert into or purchase, any of the foregoing.

§ 3. ADMINISTRATION OF ACT.)

1. The administration of the provisions of this Act shall be vested in the state examiner, who shall be ex officio commissioner. The commissioner shall receive a salary of such amount as shall be appropriated by the legislature for his services as commissioner in addition to his salary as state examiner. The commissioner shall use a seal with the words "securities commissioner, North Dakota" and such design as the commissioner may prescribe engraved thereon by which seal the commissioner shall authenticate proceedings and documents used by him in the administration of this Act. The commissioner shall employ from time to time such clerks and employees as are necessary for the administration of this Act, and they shall perform such duties as the commissioner shall assign. In the absence or disability of the commissioner, his chief deputy examiner shall administer the provisions of this Act, as acting commissioner;
2. The commissioner shall have authority to administer oaths in, and to prescribe forms for, all matters arising under this Act. The commissioner shall cooperate with the administrators of the securities laws of other states and of the United States with a view toward achieving maximum uniformity in the interpretation of like provisions

of the laws administered by them and in the forms which are required to be filed under such laws;

3. The commissioner, or any person employed by him, shall be paid in addition to their regular compensation, transportation, board, lodging, and other traveling expenses necessary and actually incurred by each of them in the performance of their duties under this Act. Such traveling expenses shall include the expenses of the commissioner or any person designated by him in attending the annual convention of the national association of securities administrators, and the annual dues to said national association shall be paid from appropriated funds; and
4. All fees collected under this Act shall be turned into the state treasury.

§ 4. REGISTRATION OF SECURITIES.) It shall be unlawful to sell any securities in this state, except those exempt under section 5 or those sold in transactions exempt under Section 6, or those registered by description under section 7, unless such securities shall have been registered by qualification as hereinafter provided in Section 8.

§ 5. EXEMPT SECURITIES.) Sections 4, 7 and 8 of this Act shall not apply to any of the following securities:

1. Securities issued or guaranteed by the United States of America, or by any state, territory or insular possession thereof, or by any political subdivision of any such state, territory or insular possession, or by the District of Columbia, or by any public agency or instrumentality of one or more of any of the foregoing, or payable from assessments for improvements or revenues of publicly owned utilities therein;
2. Securities issued by a national bank or a national bank and trust company or bank or credit or loan or savings association or savings and loan association or credit union organized pursuant to an act of the congress of the United States of America and supervised by the United States of America, or any agency thereof, or issued by a state bank, trust company, savings bank or savings institution or credit union incorporated under the laws of this state, and subject to supervision by this state or by any agency thereof, and securities of any person subject to examination by the state examiner of North Dakota;
3. Securities issued by a building and loan association or an insurance company subject to supervision by an agency of the state of North Dakota;
4. Securities issued or guaranteed as to principal, interest, or dividends, by a corporation owning or operating a railroad or other public service utility, if the corporation is

subject to regulation or supervision either as to its rates and charges or as to the issue of its securities by a public service commission or by a board, body or official having like powers, of the United States or of any state, territory, or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof, provided, however, that a corporation issuing securities, exempted under this subsection, and who have not filed an application for approval of such securities with the public service commission of the state of North Dakota, shall file with the commissioner a copy of the registration statement with all amendments thereto filed with the securities and exchange commission of the United States, if such a registration statement is made or filed, or a copy of the informative statement made to or filed with any commission, board, or body of the United States or of any state, territory, or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof, by which said corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its securities, and shall pay a filing fee of twenty-five dollars;

5. Securities issued by a person organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, social or reformatory purposes and not for pecuniary profit;
6. Securities fully listed, or regularly approved for full listing upon the issuance thereof, upon the New York stock exchange, the midwest stock exchange, the New York curb exchange, or any other stock exchange approved by the commissioner as hereinafter provided, and all securities senior or equal in rank to any securities so listed or approved, or represented by subscription rights which have been so listed or approved. The commissioner may by written order approve any stock exchange in addition to those specified in this subsection if he finds that it would be in the public interest for securities listed on such exchange to be exempt under this subsection. The commissioner shall have power at any time by written order to withdraw the approval theretofore so granted;
7. Commercial paper maturing in not more than twelve months from date of issue;
8. Securities, other than common stock, providing for a fixed return, which have been outstanding and in the hands of the public for not less than five years and upon which no default has occurred during the five years next pre-

ceding the date of sale. The exemptions herein specified must be proved by any person who may legally offer such securities for sale in the state of North Dakota by filing with the commissioner evidence in such form as he may require for each issue of securities for which exemption is provided herein and paying a filing fee of ten dollars;

9. Securities issued by any association, corporation or co-operative formed under the statutes of the state of North Dakota, whose earnings are distributed to its members, stockholders, or patrons according to patronage;
10. Any equipment based on a chattel mortgage, lease, or agreement for the conditional sale of cars, motive power, or other rolling stock mortgaged, leased, sold to or furnished for the use of a railroad or other public service utility corporation, and any equipment security where the ownership of or title to such equipment is pledged or retained in accordance with the provisions of the laws of the United States or of any state thereof, or of the Dominion of Canada, to secure the payments of such equipment security whether it be an equipment trust certificate, bond, or note; and
11. Any bond, note, or other evidence of debt issued by a holding corporation and secured by collateral consisting of any of the securities described in subsections 4 and 10 of this section, if the collateral securities equal in fair value at least one hundred twenty-five percent of the par value of the bonds, notes, or other evidences of debts secured thereby. Before any security described in this subsection is offered for sale, the person intending to offer it shall file with the commissioner descriptive circulars of the collateral securities, and pay a filing fee to the commissioner of twenty-five dollars, and unless the commissioner makes his order within three days after the receipt of such circulars requiring the securities to be qualified by application under this Act, the securities shall be exempt.

§ 6. EXEMPT TRANSACTIONS.) Except as hereinafter in this section expressly provided, sections 4, 7, 8, and 10 of this Act shall not apply to any of the following transactions:

1. Any judicial, executor's administrator's, guardian's or conservator's sale, or any sale by a receiving or trustee in insolvency or bankruptcy;
2. The sale in good faith and not for the purpose of avoiding the provisions of this Act by a pledgee of securities pledged for a bona fide debt, provided that the amount of such securities does not exceed two percent of the entire issue of each issue of such securities outstanding, and pro-

- vided further that before proceeding to sell such pledged securities the pledgee shall notify the commissioner and obtain his permission to such sale, unless such securities are exempted under section 5 of this Act;
3. Any isolated sale of a security by the issuer or owner thereof or by any agent for the account of such issuer or owner. A sale shall be deemed to be an isolated sale within the meaning of this exemption only if there shall not have been more than two other sales of securities of the same issue by such issuer or owner or by an agent for the account of such issuer or owner within this state within the twelve month period immediately prior to the date of such sale. This subsection shall not exempt any dealer or his agent participating in an isolated sale from registering as hereinafter provided in section 10;
  4. Stock dividends or other distributions by a corporation out of its earnings or surplus, or the issuance of securities to existing security holders or creditors of a corporation in a bona fide reorganization, merger or consolidation of such corporation, carried out under the supervision or direction of a court of competent jurisdiction either in exchange for the securities or claim of such security holders or creditors, or partly in exchange therefor and partly for cash, or the sale or distribution of additional capital stock of a corporation to or among its own stockholders, where no commission or other remuneration is paid or given for soliciting or effecting such sale or distribution to stockholders;
  5. The sale of securities to any bank, savings bank, savings institution, trust company, insurance company, corporation or dealer, or to any organization or association, a principal part of whose business consists of the buying of securities;
  6. The issuance and delivery of securities of one corporation to the security holders of another corporation in exchange for all or substantially all of the assets of such other corporation or in connection with a consolidation or merger of such corporation, when such exchange of assets or the issuance and delivery of such securities is under the supervision or direction of a court of competent jurisdiction;
  7. The issuance and delivery of any securities in exchange for any other securities of the same issuer pursuant to a right of conversion entitling the holder of the securities surrendered in exchange to make such conversion;
  8. The sale by a registered dealer, acting either as principal or agent, of securities theretofore sold and distributed to the public, provided that:

- a. Such securities are sold at prices reasonably related to the current market price thereof at the time of sale and, if such registered dealer is acting as agent, the commission collected by such registered dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;
- b. Such securities do not constitute an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter.

The commissioner may revoke the exemption afforded by this subsection 8 with respect to any securities by issuing an order to that effect if he shall find that the further sale of such securities in this state would work or tend to work a fraud on purchasers thereof.

9. Subscription for shares of the capital stock of a corporation prior to the incorporation thereof, when no commission or other remuneration is paid or given for or in connection with the subscription and,
  - a. The number of subscribers does not exceed fifteen: or
  - b. The amount raised by such subscription does not exceed twenty-five thousand dollars.

§ 7. REGISTRATION BY DESCRIPTION.) The following securities shall be entitled to registration by description in the manner provided in this section. Securities of an issuer which:

1. Has been in continuous operation for not less than three years; and
2. Has shown, during the period of not less than three years and not more than five years next prior to the date of registration under this section, average annual net earnings after deducting all prior charges except charges upon securities to be retired out of the proceeds of sale, as follows:
  - a. In the case of interest bearing securities, not less than one and one-half times the annual interest charges on such securities and on all other outstanding interest bearing securities of equal rank;
  - b. In the case of securities having a specified dividend rate, not less than one and one-half times the annual dividend requirements on such securities and on all outstanding securities of equal rank;
  - c. In the case of securities wherein no dividend rate is specified, not less than five percent on all outstanding

securities of equal rank, together with the amount of such securities then offered for sale, based upon the maximum price at which such securities are to be offered for sale. The ownership by an issuer of more than fifty percent of the outstanding voting stock of a corporation shall be construed as the proportionate ownership of such corporation and shall permit the inclusion of earnings of such corporation applicable to the payment of dividends upon the stock so owned in the earnings of the issuer of the securities being registered by description.

3. Securities entitled to registration by description shall be registered by filing with the commission by the issuer or by a registered dealer of:
  - a. A registration statement in a form prescribed by the commissioner, signed by the person filing such statement and containing the following information:
    - (1) Name and address of person filing statement;
    - (2) Name and business address of issuer, and address of issuer's principal office in this state, if any;
    - (3) Title of securities being registered and total amount of securities to be offered;
    - (4) Amount of securities to be offered in this state, price at which securities are to be offered for sale to the public, and amount of registration fee, computed as hereinafter provided in subsection 5; and
    - (5) A brief statement of the facts which show that the securities are entitled to be registered by description.
  - b. Payment of the required registration fee; and
  - c. If the person who is registering the securities is not domiciled in this state and is not a corporation organized or authorized to transact business under the laws of this state, a consent to service of process conforming to the requirements of section 14 of this Act. Such filing with the commissioner, which may be made either by delivery in the office of the commissioner or by posting by registered mail properly addressed to the commissioner, shall constitute the registration of securities by description and such registration shall become effective as of the time of such filing. Upon such registration by description, securities may be sold in this state by any registered dealer.

4. Upon the receipt of a registration statement, payment of the registration fee, and, if required, a consent to service of process, the commissioner shall record the registration by description of the securities described therein in the register of securities. Such registration shall be effective for a period of one year and may be renewed for additional periods of one year, if the securities are entitled to registration under this section at the time of renewal, by a new filing under this section together with the payment of the renewal fee;
5. For the registration of securities by description there shall be paid to the commissioner a registration fee of one-twentieth of one percent of the aggregate offering price of the securities which are to be sold in this state, but in no case shall such registration fee be less than twenty-five dollars or more than five hundred dollars. For the renewal of the registration of securities by description there shall be paid to the commissioner a renewal fee of twenty-five dollars; and
6. If at any time, in the opinion of the commissioner, the information in a registration statement filed with him is insufficient to establish the fact that the securities described therein are entitled to registration by description under this section, he may by order require the person who filed such statement to file such further information as may in his judgment be necessary to establish the fact that such securities are entitled to registration under this section.

§ 8. REGISTRATION BY QUALIFICATION.) Securities required to be registered by qualification under this Act before they may be sold in this state shall be registered as provided in this section.

1. Application for registration of securities by qualification shall be made by the issuer of the securities or by a registered dealer by filing in the office of the commissioner:
  - a. An application for registration which shall be made in writing and shall contain the following information:
    - (1) Name and business address of applicant;
    - (2) Name and address of issuer, and address of issuer's principal office in this state, if any;
    - (3) Title of securities to be registered and total amount of such securities to be offered;
    - (4) Amount of securities to be offered in this state, price at which securities are to be offered to the public, if known, and amount of registration fee;
    - (5) If application has been made for registration of the securities under the Securities Act of 1933,

- a. date on which documents were first filed to register the securities under that Act, and
  - b. a statement whether registration under that Act is effective, and, if so, the effective date.
- (6) Eligibility of securities for sale in other states as of date of application, if known to the applicant;
- a. States in which it is proposed to offer the securities for sale to the public;
  - b. States, if any, in which the securities are eligible for sale to the public;
  - c. States, if any, which have refused, by order or otherwise, to render the securities eligible for sale to the public or have revoked or suspended the right to sell the securities, or in which an application for qualification has been withdrawn.

There shall be submitted as part of such application for registration one copy of each of the following if available:

- (1) Issuer's charter or other instrument of organization and by-laws, and all amendments thereto.
- (2) The indenture and all supplements thereto under which the securities are to be issued.
- (3) The underwriting agreement, if any, and any agreement among underwriters and dealers pertaining to the purchase and offering of the securities.
- (4) Opinion or opinions of counsel, if any, as to validity of the securities, the validity of their issuance in the manner proposed, and the legality of the proceedings of the issuer thereof.
- (5) A specimen certificate, or form thereof of each security to be registered.

Any of the foregoing documents in items (1) to (5), inclusive, may be submitted in preliminary form, in which case a conformed copy of each must be submitted promptly after execution. Any of these documents already on file with the commissioner need not be submitted again but shall be identified by appropriate reference.

b. A prospectus which shall contain the following information:

- (1) The names and addresses of the directors, trustees and officers, if the issuer be a corporation or

association or trust; of all partners, if the issuer be a partnership; and of the issuer, if the issuer be an individual.

- (2) The purpose of incorporation (if incorporated) and a detailed statement of the general character of the business actually transacted or to be transacted by the issuer.
- (3) The specific purposes in detail and the approximate amounts to be devoted to such purposes, so far as determinable, for which the security to be issued is to raise funds.
- (4) A statement of the capitalization of the issuer.
- (5) A balance sheet as of a date not more than 90 days prior to the date of filing, and, if such balance sheet is not certified, also a certified balance sheet as of a date not more than one year prior to the date of filing unless the fiscal year of the issuer has ended within 90 days prior to the date of filing in which case the certified balance sheet may be as of the end of the preceding fiscal year.
- (6) A profit and loss statement for each of the three fiscal years preceding the date of the most recent balance sheet filed and for the period, if any, between the close of the most recent of such fiscal years and the date of the most recent balance sheet filed; or, if the issuer has been in existence for less than three fiscal years, a profit and loss statement for the period preceding the date of the most recent balance sheet filed. These statements shall be certified up to the date of the most recent certified balance sheet filed.
- (7) A statement showing the price at which such securities are proposed to be sold, together with the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.
- (8) A detailed statement showing the items of cash, property, services, patents, good will and any other consideration for which any securities of the issuer have been within two years or are to be issued in payment, and any other material information or facts, information and data necessary to prevent any other statement in the prospectus from being materially misleading.

If the issuer has one or more totally-held subsidiaries, there may be required, in addition to the balance sheet and profit and loss statements required by items (5) and (6) hereof, a consolidated balance sheet and a consolidated profit and loss statement for the issuer and its totally-held subsidiaries as of the same dates as the balance sheet and profit and loss statements required by items (5) and (6).

If the securities being registered are also being registered under the Securities Act of 1933 or if such securities have already been registered under the Securities Act of 1933 and the effective date of such registration is not more than 30 days prior to the date of submission of the application under this section, the commissioner shall accept in lieu of the prospectus prescribed in this subsection the prospectus filed under the Securities Act of 1933 with all amendments to that prospectus as of the date on which the application is filed for registration by qualification under this section. If application under this section is submitted while the securities are being registered under the Securities Act of 1933, the applicant will not be required to furnish the commissioner the public offering price of the securities until the effective date of registration under the Securities Act of 1933 and he may furnish such information as to the price to the commissioner by mail, or by telegraph or by telephone promptly confirmed in writing.

If the prospectus which is filed with the commissioner is subsequently revised, supplemented or amended, copies of such revisions, supplements or amendments shall be promptly filed with the commissioner.

- c. Payment of an examination fee of fifteen dollars and a registration fee of 1/10th of 1% of the aggregate offering price of securities to be sold in this state, but in no case shall such registration fee be less than twenty-five dollars or more than five hundred dollars. If the application for registration is denied such registration fee shall be returned to the applicant.
- d. If the applicant is not domiciled in this state and is not a corporation organized or authorized to transact business under the laws of this state, a consent to service of process conforming to the requirements of Section 14 of this Act.

All of the statements, exhibits, documents and prospectus of every kind required under this subsection shall be certified by the applicant or the issuer or any person having knowledge of the facts. An applicant

may, with the consent of the commissioner, amend or withdraw an application and any or all statements, exhibits, documents, or prospectuses filed therewith under this section at any time prior to the registration or prior to any offering and sale of the securities sought to be registered or the entry of an order denying the registration of such securities, but in no event shall the registration fee be returned.

- e. The commissioner shall within not to exceed sixty days examine an application and all documents and exhibits filed therewith. If, in his opinion, they conform to the requirements of this section and he does not find that the sale of the securities sought to be registered would work or tend to work a fraud upon purchasers thereof, he shall register the securities by qualification in a register of securities which shall be kept in his office, and he shall so notify the applicant. After such registration the securities may be sold by the applicant or by any registered dealer.

If, in the opinion of the commissioner, the application or any of the accompanying documents or exhibits do not conform to the requirements of this section, or the sale of the securities sought to be registered would work or tend to work a fraud upon purchasers thereof, he shall enter an order denying the registration of such securities by qualification; and he shall send to the applicant a copy of such order which shall state specifically the grounds for its issuance.

Additional amounts of securities registered under this section may, with the consent of the commissioner, be registered by payment of the proper registration fee, which shall be computed as provided in subsection (c) of this section as a separate fee for each additional amount registered.

Registration under this section shall be effective for a period of one year and may be renewed for additional periods of one year by filing, by a date not later than 15 days prior to the expiration of registration, a balance sheet and a profit and loss statement of the issuer as of a date not more than 90 days prior to the date of filing, together with the payment of a renewal fee of twenty-five dollars.

- f. If any prospectus, document, or exhibit filed as provided in this section shall disclose that any of the

securities sought to be registered or any securities senior thereto shall have or shall be intended to be issued for any patent right, copyright, trade mark, process, formula, good will or other intangible assets, or for organization or promotion fees or expenses, the commissioner may require that such securities shall be delivered in escrow to him or to some other depository satisfactory to him under an escrow agreement that the owners of such securities shall not be entitled to sell or transfer such securities or to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid a dividend or dividends aggregating not less than 6% of the initial offering price shown to the satisfaction of the commissioner to have been actually earned on the investment in any common stock as held. In case of dissolution or insolvency during the time such securities are held in escrow the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

§ 9. SUSPENSION OR REVOCATION OF REGISTRATION OF SECURITIES.) The commissioner may revoke the registration of any securities registered under this Act if, after a hearing or opportunity for hearing as provided in Section 12, he finds that:

1. The sale of such securities would work or tend to work a fraud upon the purchasers thereof; or
2. The issuer of such securities is insolvent, or has violated any of the provisions of this Act or any order of the commissioner of which such issuer has notice, or does not conduct its business in accord with law; or
3. The issuer of such securities has made any fraudulent representations in any prospectus or in any circular or other literature that has been distributed concerning the issuer or its securities; or
4. The issuer of such securities has refused to permit an examination into its affairs as provided in subsection (A) of this section, or has failed to furnish the commissioner any further information required pursuant to subsection (A) of this section; or
5. Securities registered by description were not entitled to registration by description:
  - a. If the commissioner has reasonable grounds to believe that the registration of any securities registered under

this Act should be revoked upon any ground specified in this section, he or his agent may conduct an examination into the affairs of the issuer of such securities; provided, that the commissioner or his agent may conduct such an examination only if the information sought by such examination could not be obtained from other available sources. In making any such examination, the commissioner or his agent shall have access to and may compel the production of all the books and papers of an issuer and may administer oaths to and examine the officers and any employees of such issuer as to its business and affairs. They may also require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a certified public accountant. Whenever the commissioner may deem it necessary in connection with any such examination, he may also require such balance sheet or income statement, or both, to be made more specific in such particulars as he shall point out or to be brought down to the latest practicable date. Such examination shall be made at the office of the commissioner, unless the issuer or a registered dealer requests that the examination be made at some other place, in which case the person making such request may be required by the commissioner to advance sufficient funds to pay the actual expenses of such investigation.

- b. If the commissioner has reasonable grounds to believe that the registration of any securities under this Act should be revoked on any ground specified in this section, he may enter an order suspending the registration of such securities pending an examination into the affairs of the issuer of such securities or pending a hearing or opportunity for hearing as provided in Section 12 of this Act; provided, that no such suspension order shall be effective for more than 30 days and such an order, if not withdrawn by the commissioner within 30 days, shall automatically terminate 30 days after the date of its issuance. Such suspension order shall state specifically the grounds for its issuance. Upon the entry of an order suspending the registration of any securities or of an order withdrawing a suspension order previously issued, the commissioner shall send a copy of such order to the issuer of such securities and to all registered dealers by mail, or by telegraph, or by telephone, confirmed in writing.
- c. If the commissioner finds, after a hearing or opportunity for hearing as provided in Section 12, that there

are grounds for revoking the registration of certain securities, he may enter in the register of securities an order revoking the registration of such securities. Such order shall state specifically the grounds for its issuance. Upon the entry of an order revoking the registration of securities, the commissioner shall send a copy of such order to the issuer of such securities and to all registered dealers by mail, or by telegraph, or by telephone, confirmed in writing. No order revoking the registration of securities shall invalidate any sale of such securities made prior to the entry of such order.

§ 10. REGISTRATION OF DEALERS, SALESMEN, AND INVESTMENT COUNSEL.) No dealer or salesman shall offer for sale or sell any securities within or from this state, except in transactions exempt under Section 6, unless he is registered as a dealer or salesman pursuant to the provisions of this section.

1. DEALERS. Application for registration as a dealer may be made by any person. Such application for registration shall be made in writing in a form prescribed by the commissioner, shall be signed by the applicant, duly verified by oath, shall be filed in the office of the commissioner, and shall contain the following information:
  - a. The name of the applicant.
  - b. The address of the principal place of business of the applicant and the addresses of all branch offices, if any, of the applicant in this state.
  - c. The form of business organization and the date of organization of the applicant.
  - d. The names and business addresses of all members, partners, officers, directors, trustees or managers of the applicant; a statement of the limitations, if any, of the liability of any partner, member, manager, or trustee; and a statement setting forth in chronological order the occupational activities of each such partner, member, officer, director, trustee, or manager during the preceding ten (10) years.
  - e. A brief description of the general character of the business conducted or proposed to be conducted by the applicant.
  - f. A list of any other states in which the applicant is registered as a dealer, and, if registration of the applicant as a dealer has ever been refused, cancelled, sus-

pending or withdrawn in any state, full details with respect thereto.

- g. Whether the applicant is registered as a dealer under the Securities Exchange Act of 1934 or any act adopted in amendment thereof and whether any such registration of the applicant has ever been denied, revoked or suspended or is then the subject of proceedings for revocation or suspension by the securities and exchange commission.
- h. The names of all organizations of dealers or brokers of which the applicant is a member or before which any application for membership on the part of the applicant is then pending, and whether any such membership of the applicant has ever been denied, revoked or suspended or is then the subject of proceedings for revocation or suspension.
- i. The names of any securities exchange of which the applicant or any of its partners, officers, directors, trustees, members, managers or employees is a member, and whether any such membership has ever been denied, revoked or suspended or is then the subject of proceedings for revocation or suspension.
- j. A financial statement or balance sheet, prepared in accordance with standard accounting practice, showing the financial condition of the applicant as of the most recent practicable date prior to the date of such application, such financial statement or balance sheet to be certified to by an independent certified public accountant, or by a responsible officer or member of said applicant.
- k. Whether applicant or any officer, director, partner, member, trustee, or manager of the applicant, has ever been convicted of a felony or any misdemeanor of which fraud is an essential element, and, if so, all pertinent information with respect to any such conviction.

The commissioner may also require such additional information as to the previous history, record or association of the applicant, its officers, directors, employees, members, partners, managers or trustees as he may deem necessary to establish whether or not the applicant should be registered as a dealer under the provisions of this law.

There shall be filed with such application a written consent to the service of process upon the commissioner in actions against such dealer, conforming to the requirements of Section 14 of this

Act and payment of the prescribed registration fee, which shall be returned if registration is refused.

When an applicant has fully complied with the provisions of this subsection the commissioner may register such applicant as a dealer unless he shall find that the applicant is not of good business reputation, or is not solvent, or does not appear qualified by training or experience to act as a dealer in securities.

If the financial statement of the applicant does not show a net worth in reasonably liquid assets of at least ten thousand dollars, the commissioner may require an indemnity bond running to the state of North Dakota conditioned for the faithful compliance by the dealer and his agents with all the provisions of this law and for the faithful performance and payment of all obligations of the dealer and his agents.

The bond shall be in a form approved and in the amount required by the commissioner, and shall have as surety thereon a surety company authorized to do business in this state. When the commissioner has registered an applicant as a dealer he shall notify the applicant of such registration.

2. **SALESMEN.** Application for registration as a salesman may be made by any individual. Such application for registration shall be made in writing in a form prescribed by the commissioner, shall be signed by the applicant and by the registered dealer or issuer employing or proposing to employ such applicant, duly verified by oath, shall be filed in the office of the commissioner and shall contain the following information:
  - a. Name and residence and business address of the applicant.
  - b. Name of the dealer or issuer employing or proposing to employ the applicant, unless the applicant is to be self-employed.
  - c. Names and addresses of three persons of whom the commissioner may inquire as to the character and business reputation of the applicant.
  - d. Applicant's age and education.
  - e. The nature of employment and names and addresses of employers of the applicant for the period of ten years immediately preceding the date of application.
  - f. Other state or federal laws under which the applicant has ever been registered as a dealer or salesman of securities, and, if any such registration has ever been

refused, cancelled, suspended or revoked, full details with respect thereto.

The commissioner may also require such additional information as to the applicant's previous business experience as he may deem necessary to determine whether or not the applicant should be registered as a salesman under the provisions of this law. If a salesman proposes to be self-employed, he shall specifically state the particular security or securities he proposes to sell in this state in his application, and if said security or securities are exempt under Section 5 of this Act, or have been registered by description under Section 7 of this Act or have been registered by qualification under Section 8 of this Act, then the commissioner may require, if he so decides, that said self-employed salesman file an indemnity bond running to the state of North Dakota conditioned for the faithful compliance by said self-employed salesman with all the applicable provisions of this Act and for the faithful performance and payment of all obligations hereunder. The bond shall be in a form approved and in the amount required by the commissioner. There shall be filed with such application payment of the prescribed registration fee, which shall be returned if registration is refused.

When an applicant has fully complied with the provisions of this subsection the commissioner may register such applicant as a salesman unless he finds that such applicant is not of good business reputation, or that the dealer named on the application is not a registered dealer. When the commissioner has registered an applicant as a salesman he shall immediately notify the applicant of such registration.

Every registered dealer or issuer shall promptly notify the commissioner of the termination of the employment by him of a registered salesman; and the registration of such salesman shall automatically be suspended from the time of termination of such employment until such time as he shall notify the commissioner of his employment by another registered dealer or issuer.

3. INVESTMENT COUNSEL. Application for registration as an investment counsel may be made by any person. Such application for registration shall be made in writing in a form prescribed by the commissioner, shall be signed by the applicant, duly verified by oath and shall be filed in the office of the commissioner and shall contain the following information:

- a. Name, residence, and business address of the applicant.
- b. If the applicant is a corporation or association, give full information as to agents, partners, and managing officers.

- c. Statement showing each individual named is of good repute and possesses essential experience and education.
- d. The plan and character of business, and the proposed method of operation.
- e. Such other information as may be required.

If the applicant is a foreign corporation or association, it shall file with its application:

1. A copy of its Articles;
2. Certificate showing authorization to transact business.

The commissioner may also require such additional information as to the previous history, record or association of the applicant, its officers, directors, employees, members, partners, managers or trustees, as he may deem necessary to establish whether or not the applicant should be registered as an investment counsel under the provisions of this Act.

There shall be filed with such application

- a. A written consent to the service of process upon the commissioner in actions against such investment counsel conforming to the requirements of Section 14 of this Act, and
- b. Payment of the prescribed registration fee, which shall be returned if registration is refused, and
- c. A financial statement or balance sheet, prepared in accordance with standard accounting practice showing the financial condition of the applicant as of the most recent practicable date prior to the date of such application, such financial statement or balance sheet to be certified to by an independent certified public accountant or by a responsible officer or member of said applicant.

When an applicant has fully complied with the provisions of this subsection the commissioner may register such applicant as an investment counsel unless he shall find that the applicant is not of good business reputation, or is not solvent.

No investment counsel may be granted a dealer's or salesmen's registration.

An investment counsel shall not take, hold or exercise any power of attorney on behalf of its clients, either to purchase or

sell securities, or to collect or pay any consideration for securities of its clients.

An investment counsel shall not receive or hold any securities of its clients or receive or hold any consideration for such securities of its clients. He shall be limited to giving advice to buy or sell securities, but shall take no part, directly or indirectly, in consummating the purchase or sale of securities of its clients. A registrant as investment counsel shall notify the commissioner of any change of address.

4. **REFUSAL OF REGISTRATION.** If, after affording an applicant a hearing or an opportunity for a hearing as provided in section 12, the commissioner finds that there is sufficient ground to refuse to register such applicant as provided in this section, he shall enter an order refusing to register such applicant. Such order shall state specifically the grounds for its issuance. A copy of such order shall be mailed to the applicant at his business address, and if the application is for registration as a salesman, to the registered dealer or issuer who proposed to employ such applicant.

If the commissioner finds that an applicant has been guilty of any act or omission which would constitute a sufficient ground for revocation of a dealer's, salesman's, or investment counsel's registration under section 11 of this Act, such act or omission may constitute a sufficient ground for a finding by the commissioner, that such applicant is not of "good business reputation."

5. **RECORD AND RENEWAL OF REGISTRATIONS.** The names and addresses of all persons who have been registered as dealers, salesmen, or investment counsels, and all orders with respect thereto, shall be recorded in a register of dealers, salesmen, and investment counsels in the office of the commissioner. Every registration under this section shall expire on the 31st day of December in each year. Registration of dealers, salesmen, and investment counsels may be renewed each year, at any time not less than fifteen (15) and not more than sixty (60) days before expiration thereof, by (1) the payment of the proper registration fee and (2) in the case of dealer, the filing of a financial statement, prepared in accordance with standard accounting practice and certified to by an independent certified public accountant or by a responsible officer or member, showing the financial condition of such dealer as of the most recent practicable date.

Upon any change in the proprietors, partners, officers or directors of a registered dealer or investment counsel, such registered dealer or investment counsel shall promptly notify the commissioner in writing of such changes. The commissioner shall record such changes, without fee, in the register of dealers, salesmen, and investment counsels.

6. FEES. The fee for registration and for each annual renewal thereof shall be:
- a. For each dealer employing not more than three salesmen in this state .....\$ 50.00
  - b. For each dealer employing more than three, but not more than five salesmen in this state...\$ 75.00
  - c. For each dealer employing more than five salesmen in this state .....\$100.00
  - d. For each salesman .....\$ 5.00
  - e. For each investment counsel .....\$ 25.00

§ 11. SUSPENSION OR REVOCATION OF DEALERS', SALESMEN'S, AND INVESTMENT COUNSELS' REGISTRATION.) The commissioner may revoke the registration of any dealer, salesman, or investment counsel if, after a hearing or opportunity for hearing as provided in section 12, he finds that such registered dealer, salesman, or investment counsel:

1. Has willfully violated any provisions of this Act, or
2. Is, in the case of a dealer, insolvent; or
3. Has been guilty of any fraudulent act or practice in connection with the purchase or sale of any securities; or
4. Conducts business in purchasing or selling securities at such variations from current market prices as, in the light of all the circumstances, are unconscionable; or
5. Has failed to file with the commissioner any financial statement required pursuant to subsection (A) of this section, or has refused to permit an examination into his affairs as provided by subsection (A) of this section.

It shall be sufficient cause for revocation of registration of a dealer or investment counsel as provided in this section, in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be sufficient ground for revoking the registration of an individual dealer.

- (A) The commissioner may at any time require a registered dealer or investment counsel to file with him a financial statement showing the financial condition of such dealer or investment counsel as of the most recent practicable date, but such financial statement need not be certified; provided, however, that the commissioner shall not require any registered dealer or investment counsel to file such financial statement more than twice in any one year. If the commissioner has reasonable grounds to believe that the registration of any registered dealer, salesman, or investment counsel should be revoked upon any grounds specified in this section, the commissioner or his agent may conduct an examination into the affairs of any such registered dealer, salesman, or investment counsel. In making any such examination, the commissioner or his agent shall have access to and may compel the production of all the books and papers of a registered dealer, salesman, or investment counsel, and may administer oaths to and examine the officers and employees of such dealer or investment counsel as to his business and affairs.
- (B) If the commissioner has reasonable grounds to believe that a registered dealer, salesman, or investment counsel has been guilty of any act or omission which would be sufficient ground for revoking the registration of such dealer, salesman, or investment counsel, he may enter an order suspending the registration of such dealer, salesman, or investment counsel pending an examination into the affairs of such dealer, salesman, or investment counsel or pending a hearing or opportunity for hearing as provided in section 12 of this Act; provided, that no such order shall be effective for more than 30 days, and such order, if not withdrawn by the commissioner within 30 days, shall automatically terminate 30 days after the date of its issuance. Such suspension order shall state specifically the grounds for its issuance. Upon the entry of such suspension order, or of an order withdrawing a suspension order previously entered, the commissioner shall send a copy of such order by registered mail to the dealer, salesman, or investment counsel whose registration is affected thereby at his business address, and, if such order affects the registration of a salesman, to the registered dealer who employs such salesman.
- (C) If the commissioner finds, after affording a registered dealer or a registered salesman, or a registered investment counsel a hearing or opportunity for hearing as

provided in section 12 that there are grounds to revoke the registration of such dealer, salesman, or investment counsel he may enter an order in the register of dealers, salesmen, and investment counsels, revoking the registration of such dealer, salesman, or investment counsel. Such order shall state specifically the grounds for its issuance. A copy of such order shall be sent by registered mail to the dealer, salesman, or investment counsel whose registration is revoked thereby at his business address and, if the revocation is of the registration of a salesman, to the registered dealer who employs such salesman.

Suspension or revocation of the registration of a dealer shall also suspend or revoke the registration of all of his salesmen; but suspension or revocation of the registration of a salesman solely because he was employed by a dealer whose registration was suspended or revoked shall not prejudice subsequent applications for registration by such salesman.

§ 12. HEARINGS.) Before entering an order revoking the registration of any securities as provided in section 9, the commissioner shall send to the issuer of such securities, and if the application for registration of such securities was filed by a registered dealer, to such registered dealer, a notice of opportunity for hearing. Before entering an order refusing to register any person as a dealer, salesman, or investment counsel, as provided in section 10, or revoking the registration of any person as a registered dealer or registered salesman or registered investment counsel as provided in section 11, the commissioner shall send to such person, and if such person be a salesman or an applicant for registration as a salesman, to the registered dealer who employs or proposes to employ such salesman, a notice of opportunity for hearing.

1. Notices of opportunity for hearing shall be sent by registered mail, return receipt requested, to the addressee's business address, and such notice shall state:
  - a. The order which the commissioner proposes to issue;
  - b. The grounds for issuing such proposed order;
  - c. That the person to whom such notice is sent will be afforded a hearing upon request to the commissioner if such request is made within ten days after receipt of this notice.
2. Whenever a person requests a hearing in accordance with the provisions of this section, the commissioner shall im-

mediately set a date, time and place for such hearing and shall forthwith notify the person requesting such hearing thereof. The date set for such hearing shall be within 15 days, but not earlier than five days, after the request for hearing has been made, unless otherwise agreed to by both the commissioner and the person requesting such hearing.

3. For the purpose of conducting any hearing as provided in this section, the commissioner shall have the power to call any party to testify under oath at such hearings, to require the attendance of witnesses, the production of books, records, and papers, and to take the depositions of witnesses; and for that purpose the commissioner is authorized, at the request of the person requesting such hearing or upon his own initiative, to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned. The fees and mileage of the sheriff and witnesses shall be paid from the fund in the state treasury for the use of the commissioner in the same manner that other expenses of the commissioner are paid.
4. At any hearing conducted under this section, a party or an affected person may appear in his own behalf or may be represented by an attorney. A stenographic record of the testimony and other evidence submitted shall be taken unless the commissioner and the person requesting such hearing shall agree that such a stenographic record of the testimony shall not be taken. The commissioner shall pass upon the admissibility of evidence, but a party may at any time make objections to the rulings of the commissioner thereon, and if the commissioner refuses to admit evidence the party offering the same shall make a proffer thereof and such proffer shall be made a part of the record of such hearing.
5. In any hearing under this section, the commissioner may conduct such hearing or he may appoint a referee who shall have the same powers and authority in conducting such hearings as are in this section granted to the commissioner. Such referee shall have been admitted to the practice of law in this state and be possessed of such additional qualifications as the commissioner may require. If a hearing is conducted by a referee such referee shall submit to the commissioner a written report setting forth his findings of fact and conclusions of law and a recom-

mendation of the action to be taken by the commissioner. A copy of such written report and recommendations shall within 5 days of the time of filing thereof be served upon the person who requested the hearing, or his attorney or other representative of record, by registered mail. That person or his attorney may, within 10 days of receipt of the copy of such written report and recommendation, file with the commissioner written objections to the report and recommendations which shall be considered as if such hearing or hearings had been conducted by the commissioner before entering an order. No recommendations of the referee shall be approved, modified or disapproved by the commissioner until 10 days after service of such report and recommendations as herein provided. The recommendations of the referee may be approved, modified or disapproved by the commissioner. The commissioner may order additional testimony to be taken or permit the introduction of further documentary evidence. A transcript of testimony and evidence, objections, if any, of the parties, and additional testimony and evidence, if any, shall have the same force and effect as if such hearing or hearings had been conducted by the commissioner. All recommendations of the referee to the commissioner shall be advisory only and shall not have the effect of an order of the commissioner.

6. If the commissioner does not receive a request for a hearing within the prescribed time, he may enter the proposed order. If a hearing is requested and conducted with respect to a proposed order, the commissioner shall issue a written order which shall set forth his findings with respect to the matters involved and enter an order in accordance with his findings.

§ 13. APPEALS.) An appeal may be taken from any order of the commissioner by any person adversely affected thereby to the district court of Burleigh county, North Dakota, by serving on the commissioner within 20 days after the date of entry of such order a written notice of appeal, signed by the appellant, stating:

- a. The order from which the appeal is taken; and
- b. The grounds upon which a reversal or modification of such order is sought; and
- c. A demand for a certified transcript of the record of such order.

1. Upon receipt of such notice of appeal, the commissioner shall, within 10 days thereafter, make, certify and deliver to the appellant a transcript of the record of the order from which the appeal is taken; provided, that the appellant shall pay the reasonable costs of such transcript. The appellant shall, within 5 days after receipt of such transcript, file such transcript and a copy of the notice of appeal with the clerk of the court. Said notice of appeal and transcript of the record shall constitute appellant's complaint. Said complaint shall thereupon be entered on the trial calendar of the court.
2. If the order of the commissioner shall be reversed, the court shall by its mandate specifically direct the commissioner as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations, or restrictions to be therein contained.

§ 14. CONSENT TO SERVICE.) Where a consent to service of process is required under this Act, such consent to service of process shall be in the form prescribed by the commission, shall be irrevocable, and shall provide that actions arising out of or founded upon the sale of any securities in violation of this Act may be commenced against the person executing such consent in any court of competent jurisdiction and proper venue within this state, by the service of process or pleadings upon the commissioner. Service of any such process or pleadings in any such action against a person who has filed a consent to service with the commissioner shall, if made on the commissioner, be by duplicate copies, one of which shall be filed in the office of the commissioner and the other immediately forwarded by the commissioner by registered mail to the person against whom such process or pleadings are directed at his latest address on file in the office of the commissioner.

§ 15. FRAUDULENT PRACTICES.) It shall be a fraudulent practice and it shall be unlawful:

1. For any person knowingly to subscribe to, or make or cause to be made, any material false statement or representation in any application, financial statement or other document or statement required to be filed under any provision of this Act; or
2. For any person, in connection with any transaction or transactions in this state which involve any offer to sell

or to buy securities, or any sale or purchase of securities, including securities exempted under the provisions of section 5 and including any transactions exempted under the provisions of section 6 either directly or indirectly to employ any device, scheme, or artifice to defraud or to engage in any act, practice, transaction or course of business which operates or would operate as a fraud or deceit upon the purchaser or seller.

§ 16. INJUNCTIONS AND PROSECUTIONS FOR VIOLATIONS.) Whenever it shall appear to the commissioner, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice or transaction which is prohibited by this Act or by any order of the commissioner issued pursuant to any section of this Act or which is declared to be illegal in this Act, the commissioner may, in his discretion :

- a. Apply to the district court of any county in this state for an injunction restraining such person and his agents, employees, partners, officers, and directors, from continuing such act, practice or transaction or engaging therein or doing any acts in furtherance thereof, and for such other and further relief as the facts may warrant; or
- b. Transmit such evidence as may be available concerning such act, practice or transaction to the attorney general who may, in his discretion, institute the necessary criminal proceedings.
  1. In any proceeding for an injunction, the commissioner may apply for and on due showing be entitled to have issued the court's subpoena requiring the appearance forthwith of any defendant and his agents, employees, partners, officers, or directors, and the production of such documents, books and records as may appear necessary for the hearing upon the petition for an injunction. Upon proof of any of the offenses described in this section, the court may grant such injunction as the facts may warrant.
  2. In any criminal proceeding, the attorney general may apply for and on due showing be entitled to have issued the court's subpoena requiring the appearance forthwith of any defendant and his agents, employees, partners, officers, and directors, and the production of such documents, books and records as may appear necessary for the prosecution of such criminal pro-

ceedings. The court may impose upon any defendant convicted of any of the offenses described in this section such penalty, in accord with the provisions of section 18, as the facts may warrant.

§ 17. REMEDIES.) Every sale or contract for sale made in violation of any of the provisions of this Act, or of any order issued by the commissioner under any provisions of this Act, shall be voidable at the election of the purchaser. The person making such sale or contract for sale, and every director, officer, salesman or agent of or for such seller who shall have participated or aided in any way in making such sale, shall be jointly and severally liable to such purchaser in any action at law in any court of competent jurisdiction upon tender to the seller, in person or in open court, of the securities sold or of the contracts made for the full amount paid by such purchaser, together with all taxable court costs and reasonable attorney's fees in any action or tender under this section.

Provided:

1. That no action shall be brought under this section for the recovery of the purchase price after three years from the date of such sale or contract for sale nor more than one year after the purchaser has received information as to matter or matters upon which the proposed recovery is based: and
2. That no purchaser shall claim or have the benefit of this section if he shall have refused or failed to accept, within 30 days from the date of such offer, an offer in writing of the seller to take back the securities in question and to refund the full amount paid by such purchaser, together with interest on such amount for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed:
  - a. In case such securities consist of interest-bearing obligations, at the same rate as provided in such securities; or
  - b. In case such securities consist of other than interest-bearing obligations, at the rate of 5% per annum; less, in every case, the amount of any income from such securities that may have been received by the such purchaser.
3. Nothing in this Act shall limit any statutory or common law right of any person in any court for any act involved in the sale of securities.

§ 18. PENALTIES.) Any person who shall willfully violate any provisions of this Act or who shall engage in any act, practice or transaction declared by any provision of this Act to be unlawful shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00 for first offense and shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not more than one year, or by both such fine and imprisonment for subsequent offenses. Nothing in this Act shall limit any statutory or common law right of the state to punish any person for any infraction of the provisions of any law.

§ 19.) EVIDENTIARY MATTERS.)

1. In any action, civil or criminal, where a defense is based upon any exemption provided for in this Act, the burden of proving the existense of such exemption shall be upon the party raising such defense.
2. In any action, civil or criminal, a certificate signed and sealed by the commissioner, stating compliance or non-compliance with the provisions of this Act, shall constitute prima facie evidence of such compliance or non-compliance with the provisions of this Act and shall be admissible in any such action.

§ 20. REPEAL OF CERTAIN PRIOR LAWS, SAVING OF CERTAIN RIGHTS AND LIABILITIES THEREUNDER.)

1. Chapter 10-04 of the North Dakota Revised Code of 1943 as heretofore amended is hereby repealed, to take effect on the day that this Act goes into force, subject to the limitations provided in subsections (a), (b), (c), (d) and (e) of this section.
  - a. The provisions of all laws which are repealed by this Act shall remain in force for the prosecution and punishment of any person who, before the effective date of this Act, shall have committed any act contrary to the provisions of any law in force at the time such act was done, and such person may be prosecuted and punished under the law as it existed when such violation occurred.
  - b. In case of sales, contracts, or agreements made prior to the effective date of this Act, the civil rights and liabilities of the parties thereto shall remain as provided by law as it existed at the time such sales, contracts, or agreements were made, and all parts of laws repealed by this Act shall remain in force for the enforcement of such rights and liabilities.

- c. All securities which are registered pursuant to the provisions of the said Chapter 10-04 of the North Dakota Revised Code of 1943 as heretofore amended on the effective date of this Act, if such securities are not exempt under this Act, shall be deemed to have been registered by qualification under this Act, such registration to be effective for a period of one year from the effective date of this Act, and the commissioner shall have the same powers with respect to such securities that he has with respect to securities registered under the provisions of this Act. All dealers who are duly registered as dealers and all salesmen who are registered as agents under the said Chapter 10-04 of the North Dakota Revised Code of 1943 as heretofore amended on the effective date of this Act shall be deemed to be duly registered under and subject to the provisions of this Act, such registration to expire on the 31st day of December of the year in which this Act becomes effective and to be subject to renewal as provided by law.
- d. The commissioner provided for in this Act shall respectively succeed the state securities commission heretofore acting under the law hereby repealed, and as such successor shall receive all the files, papers, and property of said state securities commission relating to the administration of the said law hereby repealed. All proceedings pending before the said state securities commission under the law hereby repealed shall be continued under the provisions of this Act by the commissioner.
- e. Any legislative appropriation heretofore or hereafter made available to the state securities commission, upon the taking effect of this Act, to the extent that such appropriation is unexpended shall be available for the administration of this Act, under the direction and control of the commissioner provided for by this Act.

Approved March 8, 1951.

## CHAPTER 107

H. B. No. 592

(Fuglestad)

NON-PROFIT LIVESTOCK BREEDERS CORPORATIONS; STOCK-  
HOLDERS MEETINGS AND PRINCIPAL PLACES OF  
BUSINESS WITHIN OR WITHOUT THE STATE

## AN ACT

Relating to non-profit livestock breeders corporations; and authorizing such corporations to hold stockholders meetings and to maintain principal places of business within or without the state in accordance with authorized by-laws.

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

§ 1.) In addition to the powers otherwise conferred by law, any nonprofit livestock breeders corporation organized for the purpose of providing for the registration or recording of livestock, may in its by-laws provide:

1. That its directors may determine the time and place, within or without the state, for the holding of meetings of its stockholders, members or directors;
2. That the directors may fix the place of its principal place of business within or without the state, provided that at all times when its principal office is maintained without the state a resident agent, either an individual or a corporation, shall be maintained within this state, whose name and address shall be kept on file with the secretary of state; and
3. That its bylaws may be amended at any regular or special meeting of its stockholders or members by a two-thirds majority of the votes cast at such meeting, providing notice of the proposed amendment is given in the call for the meeting.

§ 2.) Whenever any nonprofit livestock breeders corporation shall have adopted any of the bylaws authorized by section 1, the meetings of the stockholders, members, or directors of such corporation may be held in accordance with such bylaws and such corporation may exercise any of the rights authorized thereby.

Approved March 1, 1951.

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**CHAPTER 108****H. B. No. 805****(Delayed Bills Committee)**

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**POWERS OF ELECTRIC COOPERATIVE CORPORATIONS****AN ACT**

To amend and reenact section 10-1309 of the North Dakota Revised Code of 1943, relating to powers of electric cooperative corporations.

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

§ 1. AMENDMENT.) Section 10-1309 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1309. POWERS OF ELECTRIC COOPERATIVE CORPORATION.) Each corporation organized under this chapter shall have the power:

1. To sue and be sued, complain and defend, in its corporate name;
2. To have perpetual succession unless a limited period of duration is stated in its articles of incorporation;
3. To adopt a corporate seal which may be altered at pleasure, and to use it, or a facsimile thereof, as required by law;
4. To generate, manufacture, purchase, acquire, and accumulate electrical energy and to transmit, distribute, sell, furnish, and dispose of such electrical energy to its members only;
5. To establish, maintain, and operate electrical cold storage and electrical processing plants;
6. To construct, erect, purchase, lease as lessee and in any manner acquire, own, hold, maintain, operate, sell, dispose of, lease as lessor, exchange, and mortgage plants, buildings, works, machinery, supplies, equipment, apparatus, and transmission and distribution lines or systems necessary and proper for the operation of its business;
7. To assist only its members to wire their premises and install therein electrical and plumbing fixtures, machinery,

- supplies, apparatus, and equipment of any and all kinds and character, and in connection therewith and for such purpose, to purchase, acquire, lease, sell, distribute, install, and repair electrical and plumbing fixtures, machinery, supplies, apparatus, and equipment of any and all kinds and character, and to receive, acquire, endorse, pledge, hypothecate, and dispose of notes, bonds, and other evidences of indebtedness;
8. To furnish to other corporations organized under this chapter, or to the members thereof, electrical energy, wiring facilities, electrical and plumbing equipment, and services;
  9. To acquire, own, hold, use, exercise, and, to the extent permitted by law, to sell, mortgage, pledge, hypothecate, and dispose of franchises, rights, privileges, licenses, rights-of-way, and easements necessary and proper for the operation of its business;
  10. To purchase, receive, lease as lessee, or in any other manner acquire, own, hold, maintain, sell, exchange, and use any and all real and personal property or any interest therein;
  11. To borrow money and otherwise contract indebtedness, issue its obligations thereof, and secure the payment thereof by mortgage, pledge, or deed of trust of all or any of its property, assets, franchises, revenues, or income;
  12. To sell and convey, mortgage, pledge, lease as lessor, and otherwise dispose of all or any part of its property and assets;
  13. To use any highway, right-of-way, easement, or other similar property right owned or held by the state or any political subdivision thereof in connection with the acquisition, construction, improvement, operation or maintenance of its lines, with the consent of the local authorities having control of the street or highway proposed to be used for such purpose;
  14. To have and exercise the power of eminent domain to acquire private property for its use, such right to be paramount except as to property of the state or any political subdivision thereof;
  15. To accept gifts or grants of money, services, or property;
  16. To make any and all contracts necessary or convenient for the exercise of the powers granted in this chapter;

17. To fix, regulate, and collect rates, fees, rents, or other charges for electrical energy and other facilities, supplies, equipment, or services furnished by it;
18. To conduct its business and have offices within or without this state;
19. To elect or appoint officers, agents, and employees of the corporation, and to define their duties and fix their compensation;
20. To make and alter by-laws, not inconsistent with the articles of incorporation or with the laws of this state, for the administration and regulation of its affairs;
21. To do and perform, for itself, its members, or any other corporation organized under this chapter, or for the members thereof, any and all acts and things, and to have and exercise any and all powers necessary and proper to effectuate the purpose for which the corporation is organized; and
22. To make contracts with other cooperatives, with public utilities, with municipalities, or with any department or agency of the state or federal government, for the sale at wholesale to, or interchange of electric energy with, such cooperatives, public utilities, municipalities, or department or agency of the state or federal government, and, notwithstanding any provisions of this chapter, such cooperatives, public utilities, municipalities, or department or agency of the state or federal government shall be eligible to membership in corporations organized under this chapter.

Approved March 9, 1951.

**COUNTIES**

## CHAPTER 109

H. B. No. 538

(Legislative Research Committee)

## COUNTY OFFICERS SALARIES

## AN ACT

To amend and reenact section 11-10102 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to salaries of county auditors, county treasurers, sheriffs, county superintendents of schools, registers of deeds, county judges, state's attorneys, and clerks of the district court during the years 1951, 1952, and 1953.

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

§ 1. AMENDMENT.) Section 11-10102 of the 1949 Supplement to the North Dakota Revised Code of 1143 is hereby amended and reenacted to read as follows:

11-10102. SALARIES FOR COUNTY OFFICERS FOR 1951, 1952 AND 1953.) For the calendar years 1951, 1952 and 1953 the county auditor, county treasurer, sheriff, county superintendent of schools, register of deeds, county judge, state's attorney and clerk of the district court in each county shall receive the following annual salary payable monthly for official services rendered;

1. Two thousand seven hundred dollars in counties having a population not exceeding four thousand five hundred;
2. Two thousand eight hundred fifty dollars in counties having a population exceeding four thousand five hundred and not exceeding six thousand;
3. Three thousand dollars in counties having a population exceeding six thousand and not exceeding eight thousand;
4. Three thousand dollars in counties having a population exceeding eight thousand population plus additional compensation of sixty five dollars per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of three thousand eight hundred dollars;
5. In counties having a population in excess of thirty thousand the sum of four thousand dollars;

6. In counties having a county court of increased jurisdiction and a population of not to exceed fifteen thousand the county judge shall receive the sum of three thousand six hundred dollars;
7. In counties having a county court of increased jurisdiction and a population in excess of fifteen thousand but not in excess of forty thousand population the county judge shall receive the sum of four thousand dollars; and
8. In counties having a county court of increased jurisdiction and a population in excess of forty thousand the county judge shall receive the sum of six thousand dollars.

Provided that all fees, collected by judges of county courts of increased jurisdiction in counties having a population in excess of forty thousand, for certified copies of public records shall be paid over by such county judge to the county treasurer to be credited to the general fund of the county. The salaries provided in this Act shall be the only salaries paid to such officers by the county and the salary provided for the county superintendent shall be full compensation for services rendered as superintendent of schools and as secretary of the county school district reorganization committee. This section shall not be construed to constitute either an amendment or a repeal of any of the provisions of section 11-1010 of the North Dakota Revised Code of 1943, or section 27-0808 of the 1949 Supplement to the North Dakota Revised Code of 1943, but shall be construed as authorizing additional compensation to the schedule of salaries provided by said sections during the calendar years 1951, 1952 and 1953, and those years only. The provisions of this section authorizing increase in salaries as herein provided shall be retroactive to January 1, 1951, and shall be based upon the population figures established by the last federal census.

Approved March 9, 1951.

## CHAPTER 110

H. B. No. 677

(Heimes and Walster)

APPOINTMENT OF SPECIAL DEPUTIES BY SHERIFFS;  
COMPENSATION

## AN ACT

To amend and reenact section 11-1502 of the North Dakota Revised Code of 1943, relating to the appointment of special deputies by the sheriff and the compensation received by such special deputies.

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

§ 1. AMENDMENT.) Section 11-1502 of the North Dakota Revised Code of 1943 is hereby amended and reenacted as follows:

11.1502. SHERIFF MAY APPOINT SPECIAL DEPUTIES: COMPENSATION.) In case of any emergency, the sheriff may appoint and qualify special deputies in such numbers as in his judgment are required by the conditions. Each special deputy shall receive as compensation for his services the sum of six dollars per day and the same mileage as is allowed to regular deputies, to be paid by the county. The sheriff shall have the sole power of appointing special deputies and may remove them at pleasure.

Approved February 22, 1951.

## CHAPTER 111

H. B. No. 697

(Anderson (Cass), Engen, Leet, Pederson (Dickey), Simenson)

ADVERTISEMENT FOR BIDS BY COUNTY COMMISSIONERS  
AN ACT

To amend and reenact section 11-1126 of the North Dakota Revised Code of 1943, relating to counties; providing that county commissioners may expend up to five hundred dollars for county buildings, fuel, election ballots and supplies without advertising for bids.

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

§ 1. AMENDMENT.) Section 11-1126 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1126. WHEN BOARD SHALL ADVERTISE FOR BIDS.) When the amount to be paid during the current year for the erection of county buildings, for the purchase of fuel, or for election ballots and supplies, exceeds five hundred dollars, the board of county commissioners shall cause an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in such other newspapers as it shall deem advisable. The first publication shall be made at least thirty days prior to the day set for the opening of the bids.

Approved February 22, 1951.

## CHAPTER 112

S. B. No. 68

(Legislative Research Committee)

RESERVATION OF MINERAL RIGHTS BY COUNTIES; REPEAL  
AN ACT

To repeal section 11-2704 of the North Dakota Revised Code of 1943, relating to reservation of mineral rights by the counties.

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

§ 1. REPEAL.) Section 11-2704 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 27, 1951.

## CHAPTER 113

H. B. No. 679  
(Hegge, Smart, Bentz)

## WAR MEMORIALS; COUNTY LEVY LIMITATION

## AN ACT

To amend and reenact section 11-3201 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to war memorials; providing for a county levy and for limitations thereon and authorizing expenditures.

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

§ 1. AMENDMENT.) Section 11-3201 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3201. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OF MEMORIALS OR OTHER SUITABLE RECOGNITION: TO MAKE ( LEVY.) The board of county commissioners of any county in this state of North Dakota is hereby authorized to erect a memorial or memorials, or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during World War I and World War II, or solely during World War II, and may for such purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial or memorials, and may levy a tax not in excess of four mills on the dollar in any one year upon the assessed valuation of all property in the county, provided such levy shall be made not later than 1952 and shall terminate not later than 1955, which levy shall be in addition to and not restricted by the levy limitations prescribed by law, or may use funds for that purpose donated to the county for that purpose, or may use for such purpose funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of the general fund, shall be used solely for the purpose of erecting such memorial, or memorials, or other suitable recognition. Nothing herein contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial, or memorials, or other suitable recognition shall be erected within the county at a place determined upon by such board and such

memorial, or memorials, or recognition when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both such funds.

Approved March 8, 1951.

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## CRIMES AND PUNISHMENTS

### CHAPTER 114

H. B. No. 626  
(Livingston)

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#### RECEIPTS TO BE ISSUED FOR PAYMENT OF FINE

##### AN ACT

Relating to fines and penalties; providing for receipt to the person paying such fine or penalty, and providing penalty for violation thereof.

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

§ 1.) Any person receiving payment of any fine or penalty imposed by law shall execute a written receipt in triplicate therefor, delivering the original to the person paying such fine or penalty, one copy to the municipality or department, and retaining one copy in his files.

§ 2. PENALTY.) Any person violating any of the provisions of this Act shall be guilty of a misdemeanor.

Approved March 5, 1951.

## CHAPTER 115

S. B. No. 81  
(Judiciary Committee)

## PROSTITUTION, LEWDNESS AND ASSIGNATION; PUNISHMENT

## AN ACT

To repeal section 12-2216 and to amend and reenact section 12-2217 of the North Dakota Revised Code of 1943, relating to punishment of offenses set forth in section 12-2214 of the North Dakota Revised Code of 1943, punishing prostitution, lewdness and assignation.

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

§ 1. REPEAL.) Section 12-2216 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 2. AMENDMENT.) Section 12-2217 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-2217. PROSTITUTION, LEWDNESS, ASSIGNATION; PUNISHMENT.) Any person who shall be convicted of any of the offenses set forth in section 12-2214 shall be subject to imprisonment for not more than one year. Any person who shall be convicted twice in any one year period of a violation of any of the provisions of section 12-2214 shall be subject upon the second conviction to imprisonment for not less than one year nor more than three years.

Approved February 27, 1951.

## CHAPTER 116

S. B. No. 75  
(O'Brien and Duffy)

## AGGRAVATED ASSAULT AND BATTERY; PUNISHMENT

## AN ACT

To amend and reenact section 12-2610 of the North Dakota Revised Code of 1943, relating to the punishment of aggravated assault and battery.

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

§ 1. AMENDMENT.) Section 12-2610 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-2610. AGGRAVATED ASSAULT AND BATTERY DEFINED; PUNISHMENT.) Every person who, without justifiable or excusable cause, shall inflict grievous bodily harm upon another person, either

1. In the commission of an assault and battery upon such person with intent to do great bodily harm; or
2. In the commission of any act imminently dangerous to others, in disregard of human life or safety, although without any intent to injure any particular person,

is guilty of the crime of aggravated assault and battery and shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail or in the penitentiary for not more than one year, or by both such fine and imprisonment

Approved February 27, 1951.

## CHAPTER 117

H. B. No. 732  
(Bentz and Robinson)

## PUNISHMENT FOR INDECENT LIBERTIES

## AN ACT

To amend and reenact section 12-3005 and section 12-3011 of the North Dakota Revised Code of 1943, providing punishment for indecent liberties.

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

§ 1. AMENDMENT.) Section 12-3011 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-3011. INDECENT LIBERTIES; FELONY.) Every person who shall take any indecent liberty with or on the person of any individual under the age of eighteen years, which act under law does not amount to rape, or attempt to commit rape, or assault with intent to commit rape, or sodomy, or other crime against nature, is guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one year nor more than fifteen years.

Approved March 8, 1951.

## CHAPTER 118

S. B. No. 176  
(Duffy)

## WHEN CHECK IS FALSE TOKEN

## AN ACT

To amend and reenact section 12-3807 of the North Dakota Revised Code of 1943, relating to the use of false tokens.

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

§ 1. AMENDMENT.) Section 12-3807 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-3807. WHEN CHECK IS FALSE TOKEN.) The use of a ma-

tured check or other order for the payment of money, as a means of obtaining any signature, money, or property, such as is specified in sections 12-3804, 12-3805 and 12-3806, by a person who knows that a drawer thereof is not entitled to draw for the sum specified therein, upon the drawee, is the use of a false token within the meaning of those sections although no representation is made in respect thereto.

Approved February 27, 1951.

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CHAPTER 119

H. B. No. 722  
(Fitch and Saumur)

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DEFACING, DESTROYING OR ALTERING ENGINE OR SERIAL  
NUMBERS ON MOTORS, COMBINES OR OTHER HEAVY  
FARM MACHINERY A MISDEMEANOR

AN ACT

Making it unlawful for anyone to deface, destroy or alter engine or serial numbers on tractors, combines, corn pickers or any other heavy farm machinery carrying a factory serial number, and providing a penalty therefor.

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

§ 1.) It shall be unlawful for any person who, with fraudulent intent, shall:

1. Deface, destroy, alter or remove the serial number of any tractor, combine, corn picker or any other heavy farm machinery that carries a factory serial number.
2. Place or stamp other than the original serial number upon any tractor, combine, corn picker or any other heavy farm machinery that carries a factory serial number; and
3. Sell or offer for sale any tractor, combine, corn picker or any other heavy farm machinery bearing an altered or defaced serial number other than the original.

§ 2. PENALTY.) Any person, who shall violate any of the provisions of the Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than sixty days.

Approved March 8, 1951.

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**DOMESTIC RELATIONS**

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**CHAPTER 120****H. B. No. 555****(Legislative Research Committee)**

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**RESIDENCE FOR MARRIAGE LICENSE****AN ACT**

To amend and reenact section 14-0310 of the North Dakota Revised Code of 1943, relating to marriage license.

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

§ 1. AMENDMENT.) Section 14-0310 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-0310. MARRIAGE MAY NOT BE SOLEMNIZED WITHOUT LICENSE; RESIDENCE REQUIRED.) No person shall solemnize any marriage until the parties thereto shall produce a license issued not more than sixty days prior to the date of such marriage by the county judge of the county in which either of the contracting parties or the parents of either of the parties resides, or if such county is unorganized, or disorganized, of the county to which it is attached for judicial purposes.

Approved January 31, 1951.

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**CHAPTER 121****S. B. No. 39****(Legislative Research Committee)**

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**RECOGNITION OF DECREES OF DIVORCE AND ANNULMENT  
OF MARRIAGE****AN ACT**

Concerning the recognition of decrees of divorce and annulment of marriage and to make uniform the law with reference thereto.

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

§ 1.) A decree of divorce or of annulment of marriage obtained in a court of another jurisdiction shall be of no force or

effect in this state, if the parties to the marriage were domiciled in this state at the time such decree was rendered.

§ 2.) If a person obtains a decree of divorce or of annulment of marriage from a court of another jurisdiction and was domiciled in this state within less than twelve months prior to obtaining the decree and resumes residence in this state within six months after obtaining the decree, it shall be prima facie evidence that such person did not abandon his or her domicile in this state prior to obtaining the decree.

§ 3.) The provisions of this Act shall not apply to any divorce or annulment of marriage obtained in proceedings begun prior to the passage of this Act.

Approved February 9, 1951.

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## CHAPTER 122

S. B. No. 40  
(Legislative Research Committee)

### RECIPROCAL ENFORCEMENT OF SUPPORT

#### AN ACT

Providing for reciprocal enforcement of support.

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

§ 1. PURPOSES.) The purposes of this Act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

§ 2. DEFINITIONS.) As used in this Act unless the context otherwise requires:

1. "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted;
2. "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced;
3. "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced;

4. "Court" means the district court of this state and when the context requires, means the court of any other state as defined in a substantially similar other state as defined in a substantially similar reciprocal law;
5. "Law" includes both common and statute law;
6. "Duty of support" includes any duty of support imposed or imposed by law, or by any court order, decree of judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise;
7. "Obligor" means any person owing a duty of support and
8. "Obligee" means any person to whom a duty of support is owed.

§ 3. REMEDIES ADDITIONAL TO THOSE NOW EXISTING.) The remedies herein provided are in addition to and not in substitution for any other remedies.

§ 4. EXTENT OF DUTIES OF SUPPORT.) The duty of support imposed by the laws of this state or by the laws of the state where the obligee was present when the failure to support commenced as provided in Section 7 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

§ 5. INTERSTATE RENDITION.) The governor of this state may demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and may surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of crime was in the demanding or the other state.

§ 6. RELIEF FROM THE ABOVE PROVISIONS.) Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of

support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

§ 7. WHAT DUTIES ARE ENFORCEABLE.) Duties of support enforceable under this law are those imposed or impossible under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

§ 8. REMEDIES OF A STATE OR POLITICAL SUBDIVISION THEREOF FURNISHING SUPPORT.) Whenever the state or a political subdivision thereof has furnished support to an obligee it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made.

§ 9. HOW DUTIES OF SUPPORT ARE ENFORCED.) All duties of support are enforceable by petition irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the district court.

§ 10. CONTENTS OF PETITION FOR SUPPORT.) The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the respondent and his dependents for whom support is sought and all other pertinent information.

§ 11. DUTY OF COURT OF THIS STATE AS INITIATING STATE.) If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or his property, he shall so certify and shall cause certified copies of the petition, the certificate and an authenticated copy of this Act to be transmitted to the court of the responding state.

§ 12. DUTY OF THE COURT OF THIS STATE AS RESPONDING STATE.) When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall docket the cause, set a time and place for a hearing and take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

§ 13. ORDER OF SUPPORT.) If the court of the responding state finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to such order.

§ 14. RESPONDING STATE TO TRANSMIT COPIES TO INITIATING STATE.) The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or orders for reimbursement therefor.

§ 15. ADDITIONAL POWERS OF COURT.) In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

1. To require the respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent;
2. To require the respondent to make payments at specified intervals to the clerk of the court or the obligee and to report personally to such clerk at such times as may be deemed necessary; and
3. To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

§ 16. ADDITIONAL DUTIES OF THE COURT OF THIS STATE WHEN ACTING AS RESPONDING STATE.) The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

1. Upon receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state; and
2. Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.

§ 17. ADDITIONAL DUTY OF THE COURT OF THIS STATE WHEN ACTING AS AN INITIATING STATE.) The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state.

§ 18. EVIDENCE OF HUSBAND AND WIFE.) Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

Approved February 27, 1951.

## CHAPTER 123

H. B. No. 672  
(Rhode)

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## WHO MAY PETITION FOR ADOPTION

## AN ACT

To amend and reenact section 14-1108 of the North Dakota Revised Code of 1943, as amended and reenacted by section 3 of chapter 130 of the Session Laws of 1949, relating to who may petition for adoption.

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

§ 1. AMENDMENT.) Section 14-1108 of the North Dakota Revised Code of 1943, as amended and reenacted by Section 3 of Chapter 130 of the Session Laws of 1949 is hereby amended and reenacted to read as follows:

14-1108. WHO MAY PETITION FOR ADOPTION.) Any adult may petition the district court in any county in the judicial district of his residence for leave to adopt a person of any age at least ten years younger than himself, and if he desired for a change of such person's name, and any nonresident of the state who is related to the person to be adopted may petition the district court in any county in the judicial district in which such person to be adopted resides for such adoption. Such petition for adoption shall be filed in the office of the clerk of court before any hearing is had or any order made.

Approved March 6, 1951.

## EDUCATION

### CHAPTER 124

H. B. No. 535  
(Legislative Research Committee)

#### CARE AND MANAGEMENT OF CERTAIN ORIGINAL GRANT SCHOOL LANDS BY STATE FORESTER

##### AN ACT

Relating to forestry practices on original school lands, providing for control of such lands by the state forester.

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

§ 1.) The board of university and school lands is hereby authorized, in its discretion, to designate any original grant lands not readily salable for ten dollars or more per acre as suitable for forest management, and to direct the state forester to assume full control over the same and to apply accepted good forestry practices in the care, reforestation, fire control, and management thereof. The board may, at the end of any five year period of such control discontinue such control and assume sole control of any lands so placed in the control of the state forester, provided that the return of such control to the department of university and school lands does not interrupt a program of forest management already in progress for which additional time is needed.

§ 2.) The state forester shall assume control over all lands so designed and proceed to develop and improve the same by applying thereto accepted good forestry practices in the management and improvement thereof for the purpose of preserving and protecting the forests thereon and to produce an income therefrom by the sale of forest products produced thereon, such sales to be made under the direction and at the discretion of the state forester.

§ 3.) The state forester shall apply the income so derived first to the payment of the cost of all care and development of such land, and, second, the net annual income shall be paid to the board of university and school lands for the credit of the interest and income fund of the permanent school funds, the same to be properly apportioned among the several funds therein.

§ 4.) The state forester shall report annually to the board of university and school lands the nature of the improvements, the conditions of the forest, the number of trees cut and the disposition thereof, the proceeds derived from the sale of forest products and the disposition thereof, the amount of forest products undisposed of, and all expenses paid or incurred. He shall also report such other matters pertaining to said lands as the board of university and school lands may require. Such report shall be made with respect to each separate school section so controlled by the state forester.

Approved February 8, 1951.

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CHAPTER 125

S. B. No. 97  
(Fraser)

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SALE, ETC., LAKE METIGOSHE PARK LOTS

AN ACT

Authorizing the state board of higher education to sell and convey lots one hundred and eighteen and one hundred and nineteen, Lake Metigoshe Park, township 164 north, range 75 west, and declaring an emergency. WHEREAS, this property has become a liability, is constantly subject to vandalism and serves no important use to the school of forestry, now therefore,

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. The state board of higher education with the approval of the governor and the attorney general, is hereby authorized to sell and convey the property described as follows, to-wit: Lots one hundred and eighteen and one hundred and nineteen, Lake Metigoshe Park, township 164, north, range 75 west, said sale to be made to the highest bidder and the net proceeds remitted to the school of forestry's institutional collections account in the state treasury.

§ 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 126

H. B. No. 643  
(Welk)

DESIGNATION OF TREASURER OF THE NORTH DAKOTA  
AGRICULTURAL COLLEGE AS OFFICER TO RECEIVE  
FUNDS APPROPRIATED BY THE CONGRESS

## AN ACT

To designate the treasurer of the North Dakota agricultural college as the officer to receive the funds appropriated to the North Dakota agricultural college under an Act of Congress signed August 30, 1890, providing for the further endowment and support of colleges of agriculture and mechanical arts.

§ 1.) Pursuant to section 2 of an Act of Congress of the United States signed August 30, 1890, providing for the further endowment and support of colleges of agriculture and the mechanic arts, the treasurer of the North Dakota agricultural college, Fargo, North Dakota is hereby designated as the officer to receive from the secretary of the treasury, all funds appropriated for North Dakota by the Congress under authority of the said Act and of any amendments to said Act, and of any enactments supplementary to said Act. He shall make quarterly reports of all funds so received to the state budget director.

Approved March 7, 1951.

## CHAPTER 127

H. B. No. 713  
(Committee on Education)

SALARY AND EXPENSES SUPERINTENDENT OF PUBLIC  
INSTRUCTION

## AN ACT

To amend and reenact section 15-2102 of the North Dakota Revised Code of 1943, relating to salary and expenses of the superintendent of public instruction, and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 15-2102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2102. SALARY AND TRAVELING EXPENSES.) The superintendent of public instruction shall receive an annual salary of five thousand four hundred dollars. He shall be allowed in addition thereto his necessary and actual expenses incurred in the discharge of his official duties, not exceeding one thousand two hundred dollars in any one year, such expenses to be paid monthly on the warrant of the state auditor upon the filing of an itemized and verified statement of expenses.

§ 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 7, 1951.

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## CHAPTER 128

H. B. No. 748

(Nygaard, Esterby, Sailer, Anderson, Ransom)

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### MILEAGE AND TRAVEL EXPENSE OF COUNTY SUPERINTENDENTS OF SCHOOLS

#### AN ACT

To amend and reenact section 15-2205 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to mileage and travel expense of county superintendents of schools.

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

§ 1. AMENDMENT.) Section 15-2205 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2205. MILEAGE AND TRAVEL EXPENSE: AMOUNT, HOW PAID.) A county superintendent of schools, and his duly appointed deputy, shall receive seven and one-half cents per mile for travel by motor vehicle for trips necessarily made within his county in the performance of his duty. For any other travel authorized by law, he shall receive for each mile actually and necessarily traveled in the performance of his duties, the following amounts: when travel is by motor vehicle, the sum of seven and one-half cents per mile; when travel is by rail or other common carrier, the amount actually and necessarily expended therefor. Before any allowance for mileage or travel expense may be paid by the

county, the county superintendent or deputy, as the case may be, shall file with the county auditor an itemized statement verified by his affidavit showing the mileage traveled, the manner of travel, the day or days upon which the traveling was done, and the purpose or purposes and destinations of such travel. The statement and affidavit shall be submitted to the board of county commissioners, and the claim shall be approved by the board before it shall be allowed or paid.

Approved March 6, 1951.

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## CHAPTER 129

H. B. No. 759  
(Esterby)

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### COMPENSATION AND MILEAGE OF COMMON SCHOOL DISTRICT OFFICERS

#### AN ACT

To amend and reenact section 15-2505 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to common district officers; providing that members of the school boards in common school districts shall be allowed one compensated visit each year to each school in his district.

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

§ 1. AMENDMENT.) Section 15-2505 of the 1949 Supplement to the North Dakota Revised Code of 143 is hereby amended and reenacted to read as follows:

15-2505. COMPENSATION AND MILEAGE OF SCHOOL BOARD MEMBERS.) The compensation and mileage allowed to members of school boards in common school districts shall be as follows:

1. In districts containing a common school of three or more departments, a school board member shall receive three dollars for each meeting attended;
2. In districts containing more than four townships and in which ten or more schools are operated, a school board member shall receive four dollars for each meeting attended and mileage at the rate of seven and one-half cents for each mile actually and necessarily traveled to and from such meetings. In addition each board member shall be allowed each year one compensated visit to the

schools in his district. For making such visits each board member shall receive four dollars per diem plus his actual and necessary expenses, but not to exceed forty dollars.

3. In all other common school districts, a school board member shall receive sixteen dollars per annum less four dollars for each regular meeting which he fails to attend;
4. Four dollars per meeting shall be paid to school board members for attending general county meetings of school officers convened by the county superintendent of schools.

Approved March 6, 1951.

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## CHAPTER 130

H. B. No. 780

(Power, Langseth (Richland), A. C. Langseth)

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### REMOVAL OF SCHOOLHOUSES IN COMMON SCHOOL DISTRICTS

#### AN ACT

To amend and reenact sections 15-2601 and 15-2602 of the North Dakota Revised Code of 1943, Relating to Removal of Schoolhouses in common school districts, consisting of less than one congressional township.

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

§ 1. AMENDMENT.) Section 15-2601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2601. ACQUISITION OR SALE OF SCHOOL SITE OR SCHOOL BUILDING; PETITION; ELECTION, WHEN CALLED; QUESTIONS SUBMITTED; REMOVAL OF SCHOOLHOUSES IN COMMON SCHOOL DISTRICTS OF LESS THAN ONE CONGRESSICNAL TOWNSHIP.) Whenever in the judgment of the school board of a common school district it is desirable or necessary to promote the welfare of the schools in the district or to provide proper school privileges for the children therein, or whenever petitioned to do so by one-third of the electors of the district, the board shall call an election, at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange, or sale of a school site, or the erection, removal, purchase, or sale of a schoolhouse. If the question

to be voted upon is the selection of a school site, the board shall select one site to be described upon the ballot and shall submit the question to the electors in substantially the following form :

Shall the following site .....  
(here insert the description of the site selected by the board) be selected as a school site ?

If the question to be voted upon is the removal of a school-house, the board shall select one site to be described upon the ballot and shall submit the question to the electors by a ballot in substantially the following form :

Shall the ..... school-house be removed from its present location to the following site ..... (here insert the description of the site selected by the board) ?

Below the question submitted, in either case, there shall be printed :

Yes .....

No .....

Whenever the school board of a common school district, consisting of less than one congressional township, is petitioned to remove a schoolhouse in such district by at least eighty percent of the parents of children attending school in such schoolhouse or who were so attending school during the last school term, and such petition states the site in such district to which it is asked that such schoolhouse be moved, the board shall call an election, at some convenient time and place, fixed by the board, to vote upon the question of the removal of such schoolhouse to the new site asked for in such petition, and shall submit the question to the electors in such district in substantially the following form :

Shall the ..... school-house be removed from its present location to the following site ..... (here insert the description of the site asked for in such petition)

Below the question submitted, there shall be printed :

Yes .....

No .....

If a majority of the votes cast at such election called for the removal of a schoolhouse in a common school district, consisting of less than one congressional township, as herein provided, favor the removal of such schoolhouse to the new site asked for in such petition, the school board shall proceed to carry out the decision of the electors.

§ 2. AMENDMENT.) Section 15-2602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2602. PROCEDURE WHEN ELECTORS FAVOR QUESTION SUBMITTED; REMOVAL OF SCHOOLHOUSE; MAJORITY REQUIRED AND RESUBMISSION OF QUESTION.) If the majority of the votes cast at an election called under the provisions of section 15-2601 favor the selection of a specified schoolhouse site or are in favor of the purchase, exchange, or sale of a schoolhouse, as the case may be, the school board shall proceed to carry out the decision of the electors. It shall require an affirmative vote of not less than two-thirds of the electors present and voting at the meeting to order the removal of a schoolhouse, and a schoolhouse so removed shall not be removed again within three years from the date of the meeting. If the question of removing a schoolhouse fails to carry, the question shall not be raised again within one year thereafter. Where the question of the removal of a schoolhouse to a new site has been submitted to the electors by the school board of a common school district, consisting of less than one congressional township, upon a petition signed by eighty percent of the parents of children attending such school, as provided in section 15-0601, the provisions of this section shall not apply, except that it shall require a majority vote of the electors present and voting at an election, at which such question is submitted, to order the removal of such schoolhouse.

Approved March 9, 1951.

## CHAPTER 131

S. B. No. 153  
(Stucke)

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ESTABLISHMENT OF SPECIAL SCHOOL DISTRICTS IN CITIES,  
VILLAGES OR MUNICIPALITIES

AN ACT

To amend and reenact section 15-2701 of the North Dakota Revised Code of 1943, relating to the establishment of special school districts in cities, villages or municipalities, and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 15-2701 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2701. SPECIAL SCHOOL DISTRICTS: MUNICIPALITIES WHICH ARE OR MAY BECOME.) All cities and villages organized under the general school laws and which have a board of education shall be governed by the provisions of this title relating to special school districts. Any city or village may be constituted a special school district in the manner prescribed in this chapter, and shall be governed thereafter by the provisions of this chapter. Any city organized for school purposes under a special act may adopt the provisions of this chapter by a majority vote of the voters therein, in the same manner as is provided for the organization of a new special school district under the provisions of this chapter. If any city or village comprises or is embraced in a special school district, any additions to such city or village, upon incorporation therein, shall become a part of such special school district. The terms city, village or municipality as used in this act shall include any community or communities established or which have come into existence as a result of federal projects carried on within this state and which are situated upon government owned property.

§ 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, 1951.

## CHAPTER 132

H. B. No. 557

(Legislative Research Committee)

(at the request of The School District Reorganization Committee)

SCHOOL DISTRICTS, ELECTION AT LARGE OR BY  
GEOGRAPHICAL AREAS

## AN ACT

To amend and reenact Section 15-2801 of the North Dakota Revised Code of 1943 and subsection 5 of section 15-5314 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to school districts, and providing for the election at large or by designated geographic areas of the members of the board of education.

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

§ 1. AMENDMENT.) Section 15-2801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2801. FIRST ELECTION OF OFFICERS UPON ORGANIZATION OF SPECIAL SCHOOL DISTRICT.) If a majority of the votes cast at an election called to vote on the question of organization of a special school district favor the organization of such district, an election shall be called in the manner provided in this section for the selection of the governing body of the district:

1. If the special school district is formed from all the territory included in a school district, the election shall be called by the governing body to which the petition was addressed;
2. If the special school district is formed from only a part of the territory included in an organized school district, the county superintendent of schools shall call an election for the election of a board of education in the special school district and for the election of a school board and a district treasurer in the common school district which is formed from the territory remaining in the original school district.

Such elections shall be held in the same manner and upon the same notice as other elections in special and common school districts respectively are held. The electors of a special school district shall elect five members of the board of education, two of whom shall serve until the first annual election, two until the second annual election, and one until the third annual election thereafter, and until their successors are elected and qualified, and the length of their respective terms shall be determined by lot. If a district is established in accordance with the provisions of chapter 15-13 of the 1949 Supplement to the North Dakota Revised Code of 1943, and the approved reorganization plan so provides, the members shall be elected by geographic areas. The electors of a common school district remaining after the detachment of territory and the formation of a special school district shall elect officers for the terms specified in section 15-2401. After an election has been held in a special school district as provided in this section, such district thereafter shall be subject to all of the provisions of this title affecting other special school districts.

§ 2. AMENDMENT.) Subsection 5 of section 15-5314 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5. Recommendations specifying whether such reorganized districts shall be common school districts with three directors, common school districts with five directors to be elected at large, common school districts with five directors to be elected from designated geographic districts, special school districts with the five members of the board of education to be elected at large, or special school districts with the five members of the board of education to be elected from designated geographic areas, which classification shall be based upon and subject to the laws existing in regard thereto; and

Approved February 7, 1951.

## CHAPTER 133

H. B. No. 791  
(Fristad)

ELIGIBILITY TO TEACHERS' INSURANCE AND RETIREMENT  
FUND

## AN ACT

To amend and reenact Subsection 2, Section 15-3927 of the 1949 Supplement of the North Dakota Revised Code of 1943, relating to eligibility to participate in the teachers' insurance and retirement fund.

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

§ 1. AMENDMENT.) Section 15-3927, subsection 2. of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3927.

2. After a period or periods aggregating fifteen years of service as a teacher in the public schools or state institutions of this state, when such teacher suffers from total disability, such total disability to be determined by the board after an examination of such teacher has been made by two physicians appointed by the board. The annuity is payable, during the period of such total disability, only if such teacher shall have paid into the fund all of the assessments required under the provisions of this chapter. Said annuity is payable only during the period of disability. The fees of such physicians shall be paid by the applicant. Payment of the annuity based upon such disability shall commence the first month following the determination of the disability by the board and the payment of any deficiency in assessments as provided in this section, regardless of the age of the teacher at such time. Payment of the annuity shall continue for and during such period of disability and terminate with the month following recovery from such disability. The board shall ascertain by inspections annually or as often as necessary to determine the disability status of an annuitant.

Approved March 6, 1951.

## CHAPTER 134

S. B. No. 101  
(Committee on Education)

## TEACHERS RETIREMENT ANNUITIES

## AN ACT

To amend and reenact subdivision c of subsection 2 of section 15-3928 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to retirement annuities for teachers under the teachers insurance and retirement fund, and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Subdivision c of subsection 2 of section 15-3928 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- c. A teacher who has completed all requirements for retirement previous to July 1, 1947, and continues to teach for at least one school year shall have the option of electing to qualify under either the law in effect after July 1, 1947, or the one in effect previous to that time.

§ 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, 1951.

## CHAPTER 135

H. B. No. 750

(Fristad, Schmidt, Hofstrand, Helferich)

## TEACHER RETIREMENT ANNUITY

## AN ACT

To amend and reenact Subsection 3 of Section 15-3928 of the 1949 Supplement of the North Dakota Revised Code of 1943 relative to retirement annuity.

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

§ 1. AMENDMENT.) Subsection 3 of section 15-3928 of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3928. RETIREMENT ANNUITY.) Each teacher who shall have retired from service in the public schools, or state institutions under the provisions of section 15-3927 shall be entitled to receive an annuity as follows:

1. If said teacher shall have attained the age of fifty-five years at the time of applying for the annuity, he annually and for life, shall be entitled to receive as an annuity a sum equal to two percent of the total earnings as salary for the years of teaching service for which assessments were paid. Said annuity, however, shall not exceed twelve hundred dollars in any one year nor be less than six hundred dollars in any one year and shall be subject to all the provisions of this chapter.
2. If any said teacher shall have attained the age of fifty years but shall not have attained the age of fifty-five years at the time of his application for the annuity, he shall be entitled, at the age of fifty years or thereafter, to receive a reduced annuity which shall be the actuarial equivalent of the one which would have been received upon the attainment of the age of fifty-five years, according to standard annuity tables, and at an interest rate specified from time to time by the board. Any such teacher, at his option, may defer applying for the annuity until the attainment of the age of fifty-five years;
  - a. A teacher who has completed all requirements for retirements previous to July 1, 1947, may choose to retire under the provisions of the insurance and retirement fund then in effect. This does preclude, how-

ever, continuation of payments to the retirement fund after July 1st, 1947, at the rate prescribed by law for the remaining teaching career of such person.

- b. A teacher who has completed all requirements for retirement previous to July 1, 1947, and does not teach after July 1, 1947, must retire under the provisions of the insurance and retirement fund Act in effect prior to July 1st, 1947.
  - c. A teacher who has completed all requirements for retirement previous to July 1, 1947, and continues to teach shall have the option of electing to qualify under either the law in effect after July 1, 1947, or the one in effect previous to that time.
  - d. A teacher in service after July 1, 1947, who had previous to that date completed all requirements for retirement under the insurance and retirement fund Act may at his own option pay into the fund assessments on salaries earned between the date of completing payments and July 1, 1947. The rate of payment shall be six percent on the total salary earned, plus six percent interest on such assessments per annum.
  - e. If a teacher chooses not to pay the assessments on the interim period, those years may not be used in calculating the final annuity payment.
3. If said teacher shall have retired and applied for an annuity under the provisions of section 15-3927, subsection 2, he shall receive as an annuity a sum equal to two percent of the total earnings at salary for the years of teaching service for which assessments were paid. Said annuity, however, shall not exceed twelve hundred dollars in any one year nor be less than three hundred dollars in any one year and shall be subject to all the provisions of this chapter.
  4. If any person retiring under this chapter shall resume service as a teacher of a public school or state institution the retirement allowance paid to such person shall cease during the time of such employment but shall again be paid at the same amount and under the same conditions after subsequent retirement.
  5. No annuity payments shall commence before the applicant shall have arrived at the age of fifty years except in the case of retirement based on disability as provided in section 15-3927.

Approved March 7, 1951.

## CHAPTER 136

H. B. No. 578  
(Legislative Research Committee)

## HIGH SCHOOL TUITION PAYMENTS

## AN ACT

To amend and reenact Section 15-4014 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to school tuition payments.

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

§ 1. AMENDMENT.) Section 15-4014 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4014. HIGH SCHOOL TUITION PAYMENTS FROM FUND: AMOUNT; STUDENT ATTENDING SCHOOL IN FOREIGN STATE.) Subject to the provisions of this chapter, there shall be paid out of the fund to each school district or county agricultural and training school in the state, the sum of three dollars for each week of regular enrollment during the preceding semester by a high school student who was a resident of North Dakota. Such payments shall not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, teachers have been paid not less than the minimum legal salaries, and the other standards prescribed by this chapter have been met. Districts that did not maintain high schools either during the year 1947-1948 or during the year 1948-1949 shall not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. A student who lives within twenty miles of another state or in a county bordering on another state and in a school district which has no high school, with the approval of the county superintendent of schools, may attend a four year public high school in an adjoining state and high school tuition shall be paid from the fund to the district in which the high school which he attends is located in the amount of three dollars for each week such student attends the high school.

Approved March 5, 1951.

## CHAPTER 137

H. B. No. 659  
(Committee on Education)

COUNTY HIGH SCHOOL EQUALIZATION FUND; TAX LEVY;  
DISBURSEMENTS, ETC.

## AN ACT

Relating to school finance; providing for a county high school equalization fund in each county and for a tax levy for the establishment and maintenance of such fund; providing for disbursements from such funds and for payments from the state equalization fund to such funds; reducing school district levy limitations; and to amend and reenact Sections 15-4019, 15-4020, 15-4021 and 57-1514 of the 1949 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. COUNTY HIGH SCHOOL EQUALIZATION FUND.) There is hereby created in each county of the state a county high school equalization fund, to be kept by the treasurer of each county, separate and apart from all other funds, to be paid into and disbursed from as provided in this Act.

§ 2. TAX LEVY FUND.) Each year, at the same time as other county taxes are levied, there shall be levied in each county in the state a tax of one mill on every dollar of the net taxable assessed valuation in the county, which tax levy shall not be included within the tax levy limit otherwise provided by law for counties. The proceeds of such tax shall be covered into the county high school equalization fund.

§ 3. GRANTS FROM STATE EQUALIZATION FUND.) Grants from the state equalization fund shall be covered into and become a part of the county high school equalization fund of each county.

§ 4. COUNTY HIGH SCHOOL TUITION PAYMENTS.) Subject to the provisions of this Act, there shall be paid out of the county high school equalization fund to the schools or school districts of the county, and to any school or school districts of another state receiving payments of high school tuition from the North Dakota state equalization fund for the attendance of any student who is a resident of the county, the sum of one dollar for each week or major fraction thereof of regular enrollment during the preceding school semester by a student for whom high school tuition payments from the state equalization fund are received. The

county superintendent of schools shall certify to the county auditor in a manner and form and at such times as shall be prescribed by the superintendent of public instruction, a list of the schools or school districts entitled to county high school tuition payments together with the amounts to which the several schools or districts are entitled. Payments shall be made by auditors warrants drawn upon the county high school equalization fund to the respective school districts or schools and payments to districts or schools in this state shall be deposited in the general fund of the district or school.

§ 5. DISTRICTS IN MORE THAN ONE COUNTY.) If a school district embraces more than one county, the county superintendent of schools of the county in which the largest portion of the area of the school district is located shall determine the county high school tuition payments for such district and shall certify to the auditor of each county the amount to be paid by such county which shall be in the same ratio as the number of students of the school district residing in such county bears to the total number of students of the district.

§ 6. FRACTIONAL PAYMENTS.) The allocations made in this Act shall be the sole charge and claim upon and against all moneys coming into the county high school tuition fund. Should the money in the fund be insufficient to make all payments, the payments to the various school districts or schools shall be prorated on a fractional basis. When fractional payments are made, additional payments may be made from time to time as sufficient moneys come into such fund, so as to make full payments under this Act.

§ 7. AMENDMENT.) Section 15-4019 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4019. DETERMINATION OF SUMS DUE COUNTY TUITION FUNDS AND COUNTY HIGH SCHOOL EQUALIZATION FUNDS.) On or before the first day of September of each year the county superintendent of schools of each county shall submit to the superintendent of public instruction a request for a grant in aid from the state equalization fund for the county tuition fund, and at the close of each semester he shall submit to the superintendent of public instruction a request for grant in aid from the state equalization fund for the county high school equalization fund. The requests shall be filed on forms furnished by the superintendent of public instruction and shall state the full amount of the elementary per pupil payments and county high school tuition payments to be made to each school or school district that has com-

plied with the provisions of law relating to such funds. The superintendent of public instruction shall determine the amount of the grants in aid to which each county is entitled by subtracting from the full amount of the elementary per pupil payments to be made in the county, the product of the taxable assessed valuation of property in the county multiplied by nine and five tenths mills and from the full amount of the county high school tuition payments to be made the product of the taxable assessed valuation of the county multiplied by one-half mill. The balance will be the amounts of aid to which the county is entitled for such funds.

§ 8. AMENDMENT. Section 15-4020 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4020. DISTRIBUTION OF PAYMENTS TO COUNTY TUITION FUNDS AND COUNTY HIGH SCHOOL EQUALIZATION FUNDS; DUTY OF STATE AUDITOR.) Upon receiving the certifications of the county superintendent of schools, the superintendent of public instruction shall certify to the state auditor a list of all county tuition funds and county high school equalization funds in the state together with a statement of the payments due each fund. The state auditor shall pay to each such fund from the state equalization fund the sum found to be due under the provisions of this chapter.

§ 9. AMENDMENT.) Section 15-4021 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4021. METHOD OF MAKING PAYMENT FROM FUND; DUTY OF STATE AUDITOR.) The state auditor shall make the payments provided for in this chapter for high school correspondence work, for vocational education in agriculture, home economics, and distributive occupations, and for occupational information and guidance, upon the receipt of the certificates therefor from the state board of higher education, and he shall make the payments from the emergency fund on the basis of need, the high school tuition payments, and the payments to county tuition funds and county high school equalization funds upon receipt of the certificates therefor from the superintendent of public instruction. Such payments shall be by the auditor's warrants drawn upon the fund and made payable to the respective school districts, schools or county auditors, as the case may be, or to the county superintendent of schools, as directed by the superintendent of public instruction. If such warrants are sent to the county superintendents, they shall deliver them to the school districts, schools, or county auditors within their respective counties. Each clerk, secretary or other official shall make a record of each such warrant received by him and shall

deliver such warrant to the treasurer. Such payments shall be deposited to the general fund of the school district or to the county tuition fund or county high school equalization fund as the case may be.

§ 10. AMENDMENT.) Section 57-1514 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1514. TAX LEVY LIMITATIONS IN SCHOOL DISTRICTS.) The aggregate amount levied by any school district, whether common, independent, or special shall not exceed such amount as will be produced by a levy of twenty-two mills on the dollar of the net assessed valuation of the district, except that:

1. Any school district giving two years of standard high school work may levy taxes not to exceed twenty-eight mills;
2. Any school district giving three years of standard high school work may levy taxes not to exceed thirty-one mills;
3. Any school district giving four years of standard high school work may levy taxes not to exceed thirty-four mills;
4. Any school district maintaining a consolidated elementary school may levy taxes not to exceed twenty-five mills on the dollar of its net taxable valuation, except that where high school work is offered by such school the limitations on the regular high school levy shall apply.

Approved March 5, 1951.

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CHAPTER 138

S. B. No. 79  
(Bjorlie and Duffy)

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TAXATION IN JOINT HIGH SCHOOL DISTRICT  
AN ACT

To amend and reenact Section 15-4116 of the North Dakota Revised Code of 1943, relating to taxation in joint high school district.

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

§ 1. AMENDMENT.) Section 15-4116 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

15-4116. TAXATION IN JOINT HIGH SCHOOL DISTRICT.) The high school board of education may levy an annual tax upon the taxable property within a joint high school district for the purpose of establishing and maintaining high school, but such annual levy shall not exceed ten mills upon each dollar of assessed valuation in such high school district. Such tax levy shall be made and certified and the taxes shall be spread, collected, and paid over to the treasurer of the high school district in the same manner as is provided by the laws of this state in the case of other school districts.

Approved February 7, 1951.

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CHAPTER 139

H. B. No. 714  
(Committee on Education)

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ATTENDANCE OF HIGH SCHOOL STUDENTS IN SCHOOLS OF  
OTHER STATES; TUITION

AN ACT

Relating to attendance of high school students in schools of other states; authorizing reciprocal agreements with bordering states and providing for tuition payments.

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

§ 1.) The superintendent of public instruction may enter into reciprocal agreements with the state educational agencies or officers of bordering states in regard to payments of tuition for high school students attending public school in a bordering state. Such agreements may provide for the payment of high school tuition for students from North Dakota attending schools in adjoining states in sums equal, on a per student basis, to payments of high school tuition received by North Dakota high schools for students from such bordering states. The superintendent of public instruction by certificate to the state auditor may authorize such tuition payments, from the appropriation from the state equalization fund for high school tuition, to schools in adjoining states for the attendance of such high school students. The payment for each student shall not exceed the tuition established by reciprocal agreement less the amounts otherwise paid for such student from state and county high school tuition funds. The auditor by voucher drawn upon the state equalization fund shall make such payments to the appropriate public school, school district or agency of the adjoining state.

Approved March 6, 1951.

## CHAPTER 140

S. B. No. 159  
(Bridston)

CHANGING TEXTBOOKS IN PUBLIC SCHOOLS AND  
STATE EDUCATIONAL INSTITUTIONS; EXCEPTION

## AN ACT

To amend and reenact section 15-4311 of the North Dakota Revised Code of 1943, relating to textbooks in the public schools and state educational institutions.

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

§ 1. AMENDMENT.) Section 15-4311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4311. CHANGING OF TEXTBOOKS.) No public school or educational institution of the state shall change or alter the basic textbooks which are used in the school or institution more than once in five years. This section shall not apply to technical books used in institutions of higher learning or junior colleges.

Approved March 7, 1951.

## CHAPTER 141

H. B. No. 802  
(Education Committee thru Delayed Bills Committee)

## SOLICITATION AND SALES IN PUBLIC SCHOOLS

## AN ACT

To amend and reenact Section 15-4910 of the North Dakota Revised Code of 1943, relating to solicitation and sales in public schools.

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

§ 1. AMENDMENT.) Section 15-4910 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4910. SOLICITATION AND SALES IN SCHOOLS PROHIBITED; PENALTY.) It shall be unlawful for any person, firm, or cor-

poration to attempt to sell, advertise for sale, or secure orders for any merchandise, or to attempt to secure subscriptions for any magazine, newspaper, or other periodical, or to obtain agents or solicitors for any such purpose, through the agency of any public school in this state, or to attempt, during schools hours or at any time upon public school premises, to organize pupils of a public school into clubs or contesting bodies for any such purpose. It shall be unlawful for a teacher of any public school, or a school officer, to promote or knowingly permit any such acts by such means. This section shall not affect nor restrict the educational or extra-curricular activities of any school, or prohibit sales by the school or by recognized extra-curricular agencies of the school, or prohibit participation in any movement for the public welfare or for any charitable purpose, if the activity or movement is not concerned with and does not contribute to any private business except that the sale of confections, food and soft drinks shall be permitted with the approval of the school board, and the proceeds thereof shall be accounted to such board. Any teacher who violates any provision of this section shall be subject to dismissal by the governing board of the school. Any person other than a teacher who violates any such provision shall be punished by a fine of not more than one hundred dollars.

Approved March 8, 1951.

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## CHAPTER 142

S .B. No. 145

(Morgan and Streibel)

(at the request of the Budget Director)

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### REORGANIZATION OF SCHOOL DISTRICTS, STATE COMMITTEE

#### AN ACT

To amend and reenact Section 15-5304 and to repeal Sections 15-5303 and 15-5305 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the reorganization of school districts.

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

§ 1. AMENDMENT.) Section 15-5304 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5304. STATE COMMITTEE: MEMBERS;EXPENSES.) The state committee shall be composed of the superintendent of public in-

struction together with the attorney general and state treasurer, as advisory members. All members of the committee shall be paid their actual expenses incurred in attending meetings and in the performance of their official duties.

15-0305. ORGANIZATION OF STATE COMMITTEE.) The state committee shall organize by electing from its membership, a chairman, vice- chairman and a secretary.

§ 2. REPEAL.) Section 15-5303 and section 15-5305 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved February 28, 1951.

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## CHAPTER 143

S. B. No. 199  
(Sandness, Dahl, Sauer)

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### COMPENSATION OF COUNTY COMMITTEES FOR SCHOOL DISTRICT REORGANIZATION

#### AN ACT

To amend and reenact section 15-5307 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the compensation of county committees for school district reorganization.

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

§ 1. AMENDMENT.) Section 15-5307 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5307. VACANCIES; DURATION AND COMPENSATION OF COUNTY COMMITTEE.) No member of a county committee shall continue to serve thereon if he ceased to be a resident of the commissioner district from which he was elected. Vacancies in the membership of a county committee shall be filled by such committee and any person elected to fill such vacancy shall be selected from the county commissioner district in which such vacancy occurs. In case of a tie vote existing upon filling a vacancy, the county superintendent shall cast the deciding vote. The life of each county committee shall terminate six years after the effective date of this Act (chapter) unless extended as hereinafter provided, or unless such committee seeks and secures from the state committee a discharge at an earlier date on a showing of having fully performed the duties imposed upon it by this Act (chapter).

Each member shall receive his actual and necessary expenses incurred by him in attending said meetings and in the performance of his official duties.

Approved March 5, 1951.

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CHAPTER 144

S. B. No. 196  
(Baeverstad and Geelan)

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ADDITIONAL SALARY OF COUNTY SUPERINTENDENTS IN  
SCHOOL DISTRICT REORGANIZATION

AN ACT

To amend and reenact Section 15-5308 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the additional salary of the county superintendents in connection with school district reorganization.

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

§ 1. AMENDMENT.) Section 15-5308 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5308. ORGANIZATION; MEETINGS; QUORUM.) Within ten days after the county committee has been elected as provided in Section 6 (15-5306), the county committee shall organize by selecting from its membership a chairman, and a vice chairman. The county superintendent shall be the secretary of committee. Meetings of the committee shall be held upon call of the chairman or a majority of the members thereof. A majority of the members of the committee shall constitute a quorum. The county superintendent shall be allowed and paid his actual and necessary expenses incurred while in the performance of his duties under the provisions of this Act. Such additional expenses shall be chargeable and payable as an expense of the county.

Approved March 3, 1951.

## CHAPTER 145

S. B. No. 195  
(Baeverstad and Geelan)

REORGANIZATION OF SCHOOL DISTRICTS, POWERS AND  
DUTIES OF STATE COMMITTEE

## AN ACT

To amend and reenact subsection 1 of section 15-5317 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the powers and duties of the state committee of school district reorganization.

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

§ 1. AMENDMENT.) Subsection 1 of section 15-5317 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5317. STATE COMMITTEE. POWERS AND DUTIES.) The state committee shall:

1. DIRECTOR TO APPOINT AND EMPLOY PERSONNEL, The superintendent of public instruction shall be the director of school reorganization. The director shall appoint and employ such personnel as may be necessary to enable the committee to carry out the powers and duties imposed upon it by this Act and to fix the compensation for such appointees and employees.

Approved February 27, 1951.

## CHAPTER 146

S. B. No. 106

(Baeverstad, Strand and Geelan)

## ELECTIONS ON SCHOOL DISTRICT REORGANIZATION PLANS

## AN ACT

To amend and reenact sections 15-5318 and 15-5320 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to elections on school district reorganization plans.

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

§ 1 AMENDMENT.) Section 15-5318 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5318. APPROVED PLAN RECEIVED BY COUNTY SUPERINTENDENT; DUTY OF SUPERINTENDENT TO CALL SPECIAL ELECTION; DEFINITION OF VOTING UNITS; FAVORABLE RESULTS.) Upon receipt from the state committee of an approved plan for the reorganization of school districts, and approved terms of adjustment of property, debts and liabilities among the districts involved, the county superintendent shall call a special election of the voters residing within the territory of each new district, such election to be held at the place or places therein which have been determined by the county superintendent to be convenient for the voters. In holding such election, each existing district or part of an existing district within the proposed new district shall vote as a unit. Notice of such election, stating the time and place of holding the election, shall be published by the county superintendent in the official county newspaper once each week for two consecutive weeks at least thirty days next preceding such election, and by posting not less than fourteen days before the election one such notice on each school house door of each school district containing a school building and included in the proposed change. The election notices shall clearly state that the election has been called for the purpose of affording the voters an opportunity to approve or reject a proposal for the formation of a new school district and shall also contain a description of the boundaries of the proposed new district and a statement, if there be any, of the terms of adjustment of property, debts and liabilities applicable thereto. The county superintendent shall appoint judges and clerks of the elections and the election shall be held and conducted in the same manner and the polls shall open and close at the same time as is specified for elections in special school districts. The result of the elections shall be certified and

delivered to the county superintendent within three days after the closing of the polls. If a majority of all votes cast by the electors residing within each of the existing districts or parts of existing districts of a proposed new district are in favor of the formation of the district, the county superintendent shall make the proper adjustment of the property, assets, debts, and liabilities as provided in such approved plan and shall organize and establish such districts and in so doing shall perform all other necessary duties that are required by law to be performed by the county superintendent in connection with the organization and establishment of new school districts of any kind or type.

§ 2. AMENDMENT.) Section 15-5320 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5320. PROPOSAL REJECTED, PROVISION MADE; NEW ELECTION HELD.) If a proposal for the formation of a new school district is rejected by the voters at the election provided for in the preceding section, the county committee may make such revision as it deems advisable in the boundaries proposed for such new district and in the terms of adjustments of the property, debts and liabilities thereof, as the case may be, and submit the same to the state committee for approval. If the boundaries of the proposed new district or the terms of adjustment, as the case may be, as revised, are approved by the state committee, notice thereof shall be transmitted to the county superintendent, as provided for in 15-5317. Upon receipt of such notice the county superintendent shall call, in the manner and for the purpose specified in 15-5318, a special election of the voters residing within the revised boundaries of the proposed new district. If a majority of all votes cast by the electors residing within each of the existing districts or parts of existing districts of the proposed new district are in favor of the formation of the district, the county superintendent shall proceed to organize and establish such district and to perform the necessary duties related thereto in the same manner and to the same effect as is provided in 15-5318.

Approved February 28, 1951.

## CHAPTER 147

H. B. No. 597  
(Esterby, Poling, Lee)

SALE OR REMOVAL OF SCHOOL BUILDINGS IN REORGANIZED  
SCHOOL DISTRICTS

## AN ACT

Providing for the sale or removal of school buildings in reorganized districts, and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. SALE OR REMOVAL OF SCHOOL BUILDINGS IN REORGANIZED DISTRICTS.) On petition of a majority of the electors in an original school district included in a reorganized district established in accordance with the provisions of chapter 15-53 of the 1949 Supplement to the North Dakota Revised Code of 1943 for the sale or removal of a school house in such original school district, if the conduct of a public school has been discontinued in such building for at least one year, the school board of the reorganized district may have the school building moved to the place designated in the petition, or sold if the petition so provides. The proceeds of such sale shall be placed in the general fund of the reorganized district.

§ 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 9, 1951.

## CHAPTER 148

H. B. No. 577  
(Legislative Research Committee)

ELEMENTARY PER PUPIL PAYMENTS FROM  
COUNTY TUITION FUND

## AN ACT

To amend and reenact section 15-5601 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to elementary per pupil payments from the county tuition fund.

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

§ 1. AMENDMENT.) Section 15-5601 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows.

15-5601. ELEMENTARY PER PUPIL PAYMENTS; AMOUNT.) There shall be paid out of the county tuition fund to the school districts of the county as elementary per pupil payments based on enrollment in such districts:

1. To districts maintaining one room rural schools, if the district is composed of eighteen sections of land or less, the sum of eight hundred dollars for ten pupils or less in a school;
2. To districts maintaining one room rural schools, if the district is composed of more than eighteen sections of land, the sum of twelve hundred dollars for ten pupils or less in a school;
3. To districts receiving payments under subsections 1 and 2 of this section, seventy dollars for each pupil in excess of ten in a school;
4. To districts maintaining elementary schools of 2, 3 or 4 rooms one hundred dollars per pupil for eighteen pupils or less average enrollment per room in the school, and the sum of eighteen hundred dollars for each room in which eighteen or more pupils are enrolled, or seventy dollars per pupil whichever is greater, but not in excess of twenty-five hundred dollars for any one room; and
5. To the districts of the county, for all other schools, seventy dollars per pupil for thirty pupils or less in

a room or thirty pupils or less for each teacher; and fifty dollars per pupil for each pupil in excess of thirty in a room or in excess of thirty pupils for each teacher.

When an elementary school term in a district is one of less than nine months, elementary per pupil payments shall be only such percentage of the full payment as the term for which the school in such district actually was open bears to a nine month term. Any balance remaining in the county tuition fund after making payments as provided in this section shall be divided among the school districts of the county according to the number of elementary pupils enrolled.

Approved March 5, 1951.

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## CHAPTER 149

H. B. No. 692

(Einarson, Sommer, Halcrow)

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### FRACTIONAL PAYMENTS TO SCHOOL DISTRICTS

#### AN ACT

To amend and reenact section 15-5608 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to payments to school districts; and providing that where moneys in the county tuition fund are insufficient to make the full payments to the school districts the county superintendent shall prorate such payments on a fractional basis.

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

§ 1. AMENDMENT.) Section 15-5608 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5608. FRACTIONAL PAYMENTS.) The allocations made in this chapter shall be the sole charge and claim upon and against all moneys coming into the county tuition fund. Should the money in the fund be insufficient to make all payments, the payments to the various school districts or schools shall be prorated by the county superintendent of schools on a fractional basis. When fractional payments are made, additional payments may be made from time to time as sufficient moneys come into such fund, so as to make full payments under this chapter.

Approved March 6, 1951.

## CHAPTER 150

H. B. No. 601  
(Committee on Education)

TEACHER PREPARATION SCHOLARSHIPS; APPROPRIATION  
AN ACT

Relating to teacher preparation scholarships, amending and reenacting sections 15-5704, 15-5707, and 15-5708 of the 1949 Supplement to the North Dakota Revised Code of 1943, and making an appropriation.

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

§ 1. AMENDMENT.) Section 15-5704 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5704. CERTIFICATION OF CANDIDATES AND ALTERNATES.) On or before July fifteenth of the years 1951 and 1952, the county superintendent of schools of each county in this state shall certify to the board, the name of five candidates and five alternates from his county for scholarships. The candidates shall be selected according to the provisions of this chapter and the rules established by the board, and consideration shall be given first to high school graduates of the school year just preceding the selection.

§ 2. AMENDMENT.) Section 15-5707 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5707. SELECTION OF ADDITIONAL CANDIDATES AT LARGE.) If a county fails to provide five candidates who accept the scholarship by August fifteenth, of the years 1951 and 1952, the board may accept alternates from other counties. If less than two hundred sixty-five scholarships have been awarded in the state in either year, the board may select from the alternates certified and from the list of qualified and partially qualified candidates such additional candidates, chosen at large, without regard to county quota, as may be necessary to fill the state quota for such year.

§ 3. AMENDMENT.) Section 15-5708 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5708. SCHOLARSHIP PAYMENTS; CONDITIONS; NOTES REQUIRED.) Upon the granting of a scholarship and the acceptance

thereto, the recipient shall be entitled to the sum of one hundred dollars for each college quarter to cover the cost of tuition, books and other institutional expenses and to provide a part of the subsistence costs of the recipient. The scholarship payment shall be given only to regularly enrolled students taking a full load of college work in a one-year course leading to a first grade elementary certificate, who have declared their intent to enter teaching in North Dakota in a rural school for a term equal to the length of time the scholarship is held. At the beginning of each quarter of a regular college year, the board shall certify to the state auditor the name of each recipient of a scholarship, the auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship through the secretary of the college in which the recipient is enrolled. Each recipient of a scholarship shall sign and execute notes to the state treasurer, endorsed by a responsible adult for the amount of such scholarship. The notes shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest twenty-one months after the date of issue, except as otherwise provided in this chapter. The board may grant scholarships to a scholarship recipient to be used during the summer quarter of 1951 and 1952 whenever the recipient may thereby qualify for a first grade elementary certificate in time to begin teaching at the beginning of the rural school year following the completion of the summer quarter. Such scholarship shall be in the same amount as for any other quarter.

§ 1. APPROPRIATION.) There is hereby appropriated out of the equalization fund the sum of one hundred and sixty-four thousand dollars or whatever portion may be necessary for the purpose of paying teaching preparation scholarships in an amount not to exceed one hundred and fifty-nine thousand dollars and for the administration of the teacher preparation scholarship program not to exceed five thousand dollars.

Approved March 8, 1951.

## CHAPTER 151

H. B. No. 540  
(Legislative Research Committee)

SPECIAL EDUCATION OF EXCEPTIONAL CHILDREN;  
APPROPRIATION

## AN ACT

ReRlating to special education of exceptional children, defining terms, providing for an advisory council on special education and a director of special education, authorizing the provision of special education by school districts and providing for state cooperation.

*Be It Fnacted by the Legislative Assembly of the State of North Dakota:*

§ 1. DEFINITIONS.) As used in this Act:

1. "Exceptional children" shall mean educable children under the age of twenty-one whose educational needs are not adequately provided for through the usual facilities and services of the public schools, school districts, or state institutions because of physical, mental, emotional or social conditions: and
2. "Special education" shall mean the provision of facilities, instruction, supervision, and other necessary services not otherwise provided such children in the public schools and institutions.

§ 2. ADVISORY COUNCIL ON SPECIAL EDUCATION.) There is hereby created an advisory council on special education which shall consist of the superintendent of public instruction, the state health officer, the director of the division of child welfare of the public welfare board, the director of the division of vocational rehabilitation of the board of higher education, the superintendent of the state school for the deaf, the superintendent of the state school for the blind, and the superintendent of the Grafton state school. The superintendent of public instruction shall be chairman of the council. The council shall meet annually at the call of the chairman and other meetings may be called by the chairman at such times and places as he may determine to be necessary. The members of the council shall receive no additional compensation for their services, but actual and necessary expenses shall be allowed as are other expenses of their respective positions and shall be a charge to their respective department, agencies, or institutions.

§ 3. DIRECTOR OF SPECIAL EDUCATION.) A qualified director of special education and such assistance as may be necessary shall be employed by the superintendent of public instruction with the

advice and approval of the advisory council and the director shall serve as secretary of the council.

§ 4. SCHOOL DISTRICTS AUTHORIZED TO PROVIDE SPECIAL EDUCATION.) Any school district may provide special education to exceptional children in accordance with the provisions of this Act and in so doing may act jointly with one or more other districts and shall cooperate with the state advisory council and the director of special education and with the institutions of the state.

§ 5. POWERS AND DUTIES OF ADVISORY COUNCIL AND DIRECTOR OF SPECIAL EDUCATION.) The advisory council shall establish general state policy within the provisions of this Act and shall endeavor to insure a cooperative special education program coordinating all available services. It shall cooperate with private agencies, soliciting their advice and cooperation in the establishment of policy and in the coordination and development of special education programs. With the approval of the advisory council and in accordance with the provisions of this Act and the policy of the council, the director of special education shall prescribe rules and regulations for the special education of exceptional children and for the administration of this Act and he shall assist the school districts of the state in the inauguration, administration and development of special education programs, establish standards and provide for the approval of certification of schools, teachers, facilities, and equipment.

§ 6. STATE COOPERATION IN SPECIAL EDUCATION.) Exceptional children who are enrolled in approved programs of special education shall be deemed to be regularly enrolled in the school and school districts providing such program and shall be included in determination of elementary per pupil payments from the county tuition fund or high school tuition payments from the state equalization fund whether such pupils are regularly attending school in the school or school district receiving such payments or not. Upon the determination by the director of special education that the school district has made expenditures for each exceptional child in such program equal to the average expenditures made in such district for elementary or high school students, as the case may be, and that the parents of a child receiving special education under such program, or the legally responsible person, have made adequate efforts to provide needed education or that adequate reasons otherwise exist for the provision of special education to such child, the director by vouchers drawn upon funds provided by the legislative assembly for such purpose may provide reimbursement to such school or school district in an amount not exceeding three hundred dollars for such child per year for instruction and five hundred dollars for such child per year for transportation, equipment, and residential care.

§ 7. APPROPRIATION.) There is hereby appropriated from

the state equalization fund, the sum of \$50,000, or so much thereof as is necessary for the biennium, for the purpose of financing the administration of the program and the state's participation in the costs thereof.

Approved March 8, 1951.

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## ELECTIONS

### CHAPTER 152

S. B. No. 80  
(Dahl, O'Brien and Duffy)

#### FILLING VACANCY ON NO-PARTY BALLOT

##### AN ACT

Relating to filling vacancies on the no-party ballot and repealing section 16-0807 of the North Dakota Revised Code of 1943, as amended.

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

§ 1.) Whenever a vacancy shall exist on a no-party ballot for a state office or for judge of a district court, such vacancy may be filled by filing with the secretary of state, at least thirty days prior to the general election, a written petition as provided in section 16-0402 of the North Dakota Revised Code of 1943, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. The petition for the nomination of any person to fill such vacancy shall be signed by qualified electors equal in number to at least two percent of the total vote cast for governor at the preceding general election in the state or district.

§ 2.) Whenever a vacancy shall exist on a no-party ballot in a county or district within a county, such vacancy may be filled by filing with the county auditor at least thirty days prior to the general election a written petition as provided in section 16-0404 of the North Dakota Revised Code of 1943, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. The petition for the nomination of any person to fill such vacancy shall be signed by qualified electors equal in number to at least thirty percent of the total vote cast for governor at the preceding general election in the county or district.

§ 3.) A vacancy in the no-party ballot shall be deemed to

exist when a candidate nominated at the primary election shall die, resign, or otherwise become disqualified to have his name printed on the ballot at the general election.

§ 4. REPEAL.) Section 16-0807 of the North Dakota Revised Code of 1943 as amended by chapter 25 of the Session Laws of 1944 and as further amended by chapter 171 of the Session Laws of 1947, is hereby repealed.

Approved March 7, 1951.

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## FIRES

### CHAPTER 153

H. B. No. 598  
(Nygaard)

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#### FIRE DEPARTMENT PARTICIPATION IN PREMIUM TAX FUND

##### AN ACT

To amend and reenact sections 18-0401, 18-0402, 18-0403 and 18-0406 of the North Dakota Revised Code of 1943 and section 18-0405 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to eligibility for participation in fund created from premium tax on fire insurance companies.

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

§ 1. AMENDMENT.) Section 18-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0401. ELIGIBILITY FOR PARTICIPATION IN FUND CREATED FROM PREMIUM TAX ON FIRE INSURANCE COMPANIES.) In order to become eligible for the benefits provided under this chapter, a city, village or one or more townships shall maintain therein for a period of at least eight months prior to the filing of the certificate required under section 18-0402 an organized company or department which:

1. Has been in actual existence for the period herein specified;
2. Has had as a part of its equipment at least one steam, hand, or other fire engine, truck, or hose cart; and
3. Has had a membership of at least fifteen persons. Such company or department also must be a member of the North

Dakota Firemen's Association in good standing at the time the benefits are paid.

§ 2. AMENDMENT.) Section 18-0402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0402. CITY AUDITOR, VILLAGE CLERK OR SECRETARY OF RURAL FIRE DEPARTMENT TO FILE CERTIFICATE WITH STATE AUDITOR AND COMMISSIONER OF INSURANCE.) On or before the thirty-first day of October in each year, the auditor, clerk or secretary of any city, village or rural fire department which has an organized fire department shall make and file with the state auditor and with the commissioner of insurance his certificate stating the existence of the fire department, the date of its organization, the number of steam, hand, or other fire engines, hook and ladder trucks, and hose carts in actual use, the number of organized companies in the department, the number of members in each company, and the system of water supply in use by the department, together with such other facts as the auditor or commissioner may require.

§ 3. AMENDMENT.) Section 18-0403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0403. FAILURE TO FILE CERTIFICATE DEEMED WAIVER; EXCEPTION.) If the certificate required by section 18-0402 is not filed with the state auditor and commissioner of insurance on or before the thirty-first day of October, the city, village or rural fire department failing to file the same shall be deemed to have waived and relinquished its right for such year to the benefits of this chapter. If, however, the city, village or rural fire department has filed its certificate for three successive years and has drawn money thereunder for such time, the certificate may be filed at any time up to and including March first of the succeeding year without waiving the right to the benefits provided in this chapter.

§ 4. AMENDMENT.) Section 18-0405 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0405. AMOUNT DUE CITIES; VILLAGES OR RURAL FIRE DEPARTMENTS; CERTIFICATE OF COMMISSIONER OF INSURANCE TO STATE AUDITOR.) The amount due to a city or village to benefit under the provisions of this chapter shall be two percent of the premium received by insurance companies on fire insurance policies issued on property in such cities or villages. The commissioner of insurance shall compute the amounts due to the several cities or villages and shall certify such amounts to the state auditor on or before June first in each year. The commissioner of insurance shall certify to the state auditor on or before June first of each

year an additional one hundred dollars to be paid to each city or village fire department performing service outside of its incorporated limits. For each rural fire department organized within the provisions of this chapter, the amount of two hundred dollars per year shall be certified to the state auditor. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, as a standing and continuing appropriation, such sums as may be necessary to make payments as provided in this section.

§ 5. AMENDMENT.) Section 18-0406 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0406. STATE AUDITOR TO ISSUE WARRANTS ON STATE TREASURER FOR BENEFITS.) On or before the first day of June of each year, the state auditor shall issue and deliver to the treasurer of each municipality having an organized fire department and to each treasurer of a rural fire department entitled to the benefits of this chapter, his warrant upon the state treasurer for the amount certified by the commissioner of insurance. Such warrants shall be numbered consecutively and shall specify the date of their issuance and to whom payable. The warrants shall be paid by the state treasurer to the municipal treasurer or the treasurer of the rural fire department upon presentation.

Approved March 5, 1951.

**FOODS, DRUGS, OILS, AND COMPOUNDS**

## CHAPTER 154

H. B. No. 556

(Legislative Research Committee)

at the request of

(The State Laboratories Department)

## SPECIFICATIONS AND TESTS FOR PETROLEUM PRODUCTS

## AN ACT

To amend and reenact section 19-1010 of the North Dakota Revised Code of 1943 and to repeal sections 19-1009, 19-1011, 19-1012, 19-1013 and 19-1014 of the North Dakota Revised Code of 1943, relating to specifications and tests for petroleum products.

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

§ 1. AMENDMENT.) Section 19-1010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-1010. SPECIFICATIONS FOR PETROLEUM PRODUCTS; TESTS USED.) Specifications for gasoline, kerosene, tractor fuel, diesel oil, heating oil and liquefied petroleum gases including propane, propylene, normal butane or isobutane, and butylene shall be determined by the department and shall be based upon nationally recognized standards. When so determined by the department and adopted and promulgated as regulations and orders of the department in accordance with the provisions of chapter 28-32 of the North Dakota Revised Code of 1943, such specifications shall be the specifications for such petroleum products sold in this state and official tests of such petroleum products shall be based upon test specifications so determined, adopted and promulgated.

§ 2. REPEAL.) Sections 19-1009, 19-1011, 19-1012, 19-1013, and 19-1014 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved February 23, 1951.

**GAME, FISH, AND PREDATORS**

## CHAPTER 155

S. B. No. 84  
(Reinke and Sauer)

## POSTING LANDS TO PROHIBIT HUNTING

## AN ACT

To amend and reenact section 20-0115 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to posting lands to prohibit hunting.

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

§ 1. AMENDMENT.) Section 20-0115 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0115. POSTING OF LANDS BY OWNER OR TENANT TO PROHIBIT HUNTING; HOW LAND 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 name and address of the person posting the land and the date of posting shall appear on each sign in legible characters. 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 on all gates through such fence or enclosure shall be construed to be a posting of all such enclosed land.

Approved February 7, 1951.

## CHAPTER 156

## H. B. No. 633

(Power, Laske, Mollet, Etestad, Snow, Nelson of Griggs-Steele, Sorlie, Frank, Leier, Klefstad, Homelvig, Hegge, Simonson)

QUALIFICATIONS FOR HUNTING, ETC., LICENSE; REMOVING  
CITIZENSHIP REQUIREMENTS FOR CITIZENS OF CANADA

## AN ACT

Relating to qualifications for hunting, trapping and fishing; removing citizenship requirements for citizens of the Dominion of Canada by amending and reenacting sections 20-0303, 20-0308, and section 20-0110 of the North Dakota Revised Code of 1943.

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

§ 1. AMENDMENT.) Section 20-0303 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0303. APPLICATION FOR RESIDENT HUNTING, TRAPPING, OR FISHING LICENSE; CONTENTS.) Each application for a resident hunting, trapping, or fishing license shall be signed by the applicant and shall state:

1. That the applicant has been a bona fide resident of the state for at least six months.
2. The applicant's residence and post office and street address; and
3. The applicant's weight, height, color of hair, and color of eyes.

§ 2. AMENDMENT.) Section 20-0308 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0308. APPLICATION FOR NONRESIDENT HUNTING, TRAPPING OR FISHING LICENSE; CONTENTS.) Each application for a non-resident hunting, trapping, or fishing license shall be signed by the applicant and shall state:

1. That the applicant is, or has declared his intention to become, a citizen of the United States of America; or, is a citizen of the Dominion of Canada.
2. The applicant's residence, post office and street address; and
3. The applicant's weight, height, color of hair, and color of eyes.

§ 3. AMENDMENT.) Section 20-0110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows.

20-0110. ALIENS NOT TO HUNT OR TAKE WILD BIRDS OR ANIMALS; WHEN.) No person who is not, or who has not declared his intention to become, a citizen of the United States, or, who is not a citizen of the Dominion of Canada, shall hunt, shoot, capture, take, kill, trap, snare, or in any manner destroy, wound, or maim any wild bird or animal of any description, either game or otherwise, in this state, except in defense of person or property.

Approved February 24, 1951.

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## CHAPTER 157

H. B. No. 632

(Laske, Ettetstad, Snow, Nelson, Sorlie, Frank, Hegge, Simonson, Leier, Hafner, Mollet, Klefstad, Homelvig)

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### NON-RESIDENT HUNTING, TRAPPING AND FISHING LICENSES; RECIPROCITY

#### AN ACT

To amend and reenact section 20-0306 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to non-resident hunting, trapping, and fishing licenses; providing for reciprocity with other states in regard to trapping, and providing a penalty.

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

§ 1. AMENDMENT.) Section 20-0306 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0306. LICENSES TO HUNT, TRAP, OR FISH REQUIRED OF NONRESIDENTS; PENALTY.) No nonresident of this state except as otherwise provided in sections 20-0305 and 20-0307, shall:

1. Hunt, catch, take, or kill any game bird without having a hunting license as prescribed in this chapter;
2. Trap, catch, attempt to catch, take or kill any protected fur-bearing animal unless such nonresident is a resident of a state which permits trapping by residents of North Dakota and has obtained a nonresident trapping license as prescribed in this chapter;
3. Catch, attempt to catch, take, or kill any fish without having a nonresident fishing license as prescribed in this chapter.

Any person who shall violate any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment. Each violation of this section shall be a distinct and separate offense.

Approved February 24, 1951.

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CHAPTER 158

H. B. No. 576

(Legislative Research Committee)  
(at the request of the)  
(Game and Fish Department)

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FEE FOR NON-RESIDENT TRAPPING LICENSE

AN ACT

To amend and reenact subsection 6 of section 20-0312 of the North Dakota Revised Code of 1943, relating to hunting, trapping, and fishing license fees.

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

§ 1. AMENDMENT.) Subsection 6 of section 20-0312 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6. For a nonresident trapping license, the sum of one hundred dollars;

Approved March 5, 1951.

## CHAPTER 159

H. B. No. 642  
(Power, Laske, Klefstad, Roen, Mollet, Robinson)

COMMERCIAL FISHING; LICENSING; RIGHTS AND DUTIES OF  
LICENSEES

## AN ACT

To amend and reenact section 20-0314 of the 1949 Supplement to the North Dakota Revised Code of 1943, and section 20-0315 of the North Dakota Revised Code of 1943, relating to commercial fishing; providing for licensing, and for rights and duties of licensees.

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

§ 1. AMENDMENT.) Section 20-0314 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0314. COMMERCIAL FISHING LICENSE; WHO TO ISSUE; WHO MAY OBTAIN; FEES.) A commercial fishing license may be issued by the commissioner to any person having a regular resident or non-resident fishing license. The fees for commercial fishing licenses shall be as follows:

1. For each hoop net or trap to be used, the sum of five dollars;
2. For the first fifty feet, or fraction thereof, of net or seine to be used, the sum of five dollars and for each additional fifty feet, or fraction thereof, of net or seine to be used, the sum of five dollars; and
3. For each ten hooks or fraction thereof to be attached to each set line or throw line which is to be used, the sum of one dollar.

The commissioner shall issue metal identification tags and the licensee shall attach such tags to the equipment used.

§ 2. AMENDMENT.) Section 20-0315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0315. RIGHTS AND DUTIES OF COMMERCIAL FISHING LICENSEE.) Except as otherwise provided in sections 20-0316 and 20-0317, any person having a commercial fishing license may fish for, catch, and take, at any time, any fish not protected in the Missouri river, and Yellowstone river, or in any of the back waters thereof, and, in the taking of such fish, may use any net, seine, trap, or throw line for which a license fee has been paid,

but shall not use any gill net or trammel net. All nets, seines, traps, or lines shall be checked at least once every forty-eight hours to prevent loss of fish by death or spoiling.

Approved March 1, 1951.

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## CHAPTER 160

### H. B. No. 634

(Laske, Snow, Nelson, Frank, Simenson, Leier, Mollet, Hafner,  
Bourgois, Klefstad, and Wollitz)

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## LICENSE FEE FOR NON-RESIDENT DEALERS IN GREEN HIDES; PURCHASE RECORD

### AN ACT

To amend and reenact subsection 1 of section 20-0325 and section 20-0326 of the North Dakota Revised Code of 1943, relating to licensed dealers in green furs; providing for fees for licensing of non-resident dealers and for recording and reporting of information by all dealers.

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

§ 1. AMENDMENT.) Subsection 1 of section 20-0325 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. For a license to a nonresident buyer or shipper, or to an agent of such nonresident, the fee shall be one hundred dollars.

§ 2. AMENDMENT.) Section 20-0326 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0326. RECORDS TO BE KEPT BY LICENSED DEALERS IN GREEN FURS: REPORT TO COMMISSIONER. Each person licensed to engage in the business of buying or shipping green furs shall keep a true and correct record of each purchase of such furs made by him. Such record shall show:

1. The date of the purchase;
2. The name and address of the seller;
3. The kind and number of furs involved in the purchase;
4. The amount of money paid to the seller for the furs purchased; and
5. Such additional information as the commissioner may require.

The information contained in such record shall be furnished to the commissioner on forms prepared by him and under such rules and regulations as he may adopt.

Approved March 5, 1951.

## CHAPTER 161

S. B. No. 158  
(Sauer)

## CREEL AND POSSESSION LIMIT OF PROTECTED FISH

## AN ACT

To amend and reenact section 20-0604 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to creel limit on protected fish and the size of protected fish that may be taken.

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

§ 1. AMENDMENT.) Section 20-0604 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0604. CREEL AND POSSESSION LIMIT OF PROTECTED FISH.) No person, in any one day, shall take, catch, or kill more than:

1. Five bass, trout, or landlocked salmon, nor more than five of any or all of the same combined;
2. Five wall-eyed pike or northern pike, nor more than five of both combined;
3. Fifteen crappies or sunfish, nor more than fifteen of both combined; or
4. Twenty-five perch.

No person shall have in his possession, at any time, more than a four days' creel limit of any protected fish.

Approved February 28, 1951.

## CHAPTER 162

H. B. No. 647

(Power, Roen, Fleenor, Simenson and Wollitz)

## REGULATION OF MINNOW FARMS AND BAIT VENDORS

## AN ACT

Relating to minnows; prohibiting certain acts; providing for the licensing and regulation of minnow farms and bait vendors, and providing a penalty.

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

§ 1.) No person shall:

1. Catch or take, or attempt to catch or take, minnows, except for bait;
2. Transport any minnows into or out of the state, except with the consent of the state game and fish commissioner and with equipment approved by him;
3. Operate any unlicensed minnow farm;
4. Vend minnows for bait, or otherwise commercially deal in minnows, without a license.

§ 2.) The state game and fish commissioner shall adopt rules and regulations to control and supervise the operation of minnow farms, and shall issue an annual license for each such farm whenever it appears that the owner thereof has complied with the rules and regulations of the commissioner and has paid the annual license fee of twenty-five dollars (\$25.00). The commissioner shall also issue annual licenses to each commercial bait vendor, making application therefor, who has paid the annual license fee of five dollars (\$5.00). The commissioner may require each such licensed bait vendor to submit such reports as the commissioner may deem necessary.

§ 3.) Any person violating any provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

Approved February 24, 1951.

## CHAPTER 163

H. B. No. 646

(Snow, Nelson, Sorlie, Frank, Simenson, Fleenor, Hafner, Mollet,  
Klefstad)LICENSING, ETC., OF STRUCTURES USED IN FISHING  
THROUGH THE ICE

## AN ACT

To amend and reenact section 20-0611 of the North Dakota Revised Code of 1943, relating to structures used in fishing through the ice, and providing for their licensing, regulation and removal.

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

§ 1. AMENDMENT.) Section 20-0611 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0611. ERECTING OR MAINTAINING FISH HOUSES AND OTHER STRUCTURES USED IN FISHING THROUGH THE ICE; LICENSE REQUIRED; REMOVAL.) No person shall erect, have, or maintain on the ice in any waters of this state any fish house, structure, enclosure or shelter whatever used or to be used to protect one while engaged in fishing through the ice, without first obtaining a separate license for each such unit placed in use. Licenses shall be issued by the commissioner, for the period between December fifteen and March first, upon the payment of a license fee of one dollar for each unit, and shall be subject to such rules and regulations as the commissioner may adopt governing the construction, maintenance, and use of such units. Each licensed unit shall have inscribed on the exterior thereof, in readily distinguishable characters at least six inches high, the license number and the name of the owner, and shall be removed from the ice within fifteen days after the close of the period for which the license was issued. Failure to comply to the terms and provisions of this section shall constitute a misdemeanor.

Approved February 20, 1951.

## CHAPTER 164

S. B. No. 62  
(Legislative Research Committee)  
at the request of  
(The Game and Fish Department)

ASSENT TO FEDERAL AID IN FISH RESTORATION AND  
MANAGEMENT PROJECTS

## AN ACT

Assenting to the provisions of the act of congress entitled "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes" approved August 9, 1950.

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

§ 1.) The state of North Dakota hereby assents to the provisions of the act of congress entitled "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes" approved August 9, 1950, Public Law No. 681, 81st Congress, and the state game and fish commissioner shall perform such acts as may be necessary to cooperate with the federal government in the conduct and establishment of fish restoration and management projects as defined in said act of congress, in compliance with said act and the rules and regulations promulgated by the United States secretary of the interior thereunder.

§ 2.) No moneys accruing to this state from the license fees paid by fishermen shall be used for any purpose other than the administration of the state game and fish department.

Approved January 31, 1951.

## CHAPTER 165

H. B. No. 575  
(Legislative Research Committee)  
at the request of  
(The Game and Fish Department)

REGULATING TRANSPLANTING OR INTRODUCING FISH, FISH  
EGGS, GAME BIRDS, OR GAME ANIMALS; PERMITS

## AN ACT

Relating to the transplanting or introducing of fish, fish eggs, game birds, and game animals; providing for permits and regulations, and providing a penalty.

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

§ 1. TRANSPLANTING OR INTRODUCING FISH, FISH EGGS, GAME BIRDS, OR GAME ANIMALS: PERMITS; REGULATION.) No person shall transplant or introduce any fish or fish eggs into any of the public waters of this state or transplant or introduce any species of game birds, or game animals into this state without first obtaining a permit from the state game and fish commissioner. The commissioner may promulgate rules and regulations for the transplanting or introducing of fish, fish eggs, game birds, or game animals and may issue permits therefor after ascertaining that such fish, fish eggs, game birds, or game animals have been properly inspected to guard against the introduction of disease and that the transplanting or introduction will be in compliance with the laws of this state and the rules and regulations promulgated.

§ 2. PENALTY.) Any person violating any provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Approved January 31, 1951.

## CHAPTER 166

H. B. No. 641

(Power, Ettestad, Snow, Sorlie, Frank, Leier, Klefstad, Hafner,  
Bourgeois, Robinson, Fleenor, Roen, Simenson.)CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION  
LIMITING TAKING OF GAME BIRDS, FISH, AND  
GAME ANIMALS

## AN ACT

To amend and reenact section 20-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the contents of the governor's order or proclamation limiting the taking of game birds, fish, and game animals.

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

§ 1. AMENDMENT.) Section 20-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0803. CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION RELATING TO THE TAKING OF GAME BIRDS, FISH, AND GAME ANIMALS.) An order or proclamation issued by the governor pursuant to the provisions of this chapter shall prescribe, as to each species of game birds, fish, or game animals named therein, the following:

1. In what manner the same may be taken;
2. In what number the same may be taken and possessed and may limit such numbers by sex;
3. In what places the same may be taken; and
4. At what time the same may be taken and possessed.

The governor, in his order or proclamation, may provide for the number of big game permits or licenses to be issued for the taking of each species and the manner in which such permits or licenses shall be issued for big game only. In addition, the governor may include in his order or proclamation such provisions of the federal laws and regulations relating to migratory birds as he deems advisable.

Approved February 20, 1951.

## CHAPTER 167

S. B. No. 166  
(Day, by Request)

SALE, COLLECTION AND TRANSPORTATION OF PROTECTED  
ANIMALS, GAME BIRDS AND EGGS

## AN ACT

To amend and reenact section 20-0904 of the North Dakota Revised Code of 1943, relating to sale, collection and transportation of protected animals and game birds and eggs.

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

§ 1. AMENDMENT.) Section 20-0904 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0904. SALE, COLLECTION AND TRANSPORTATION OF BIRDS, ANIMALS, AND EGGS HELD FOR PROPAGATION; COMMISSIONER'S CONSENT NECESSARY.) Protected animals or game birds held for propagation and domestication under a permit may be sold or transported alive for propagation purposes, and the eggs of such protected game birds may be collected, sold or transported during such seasons as the commissioner shall prescribe. All such collections, sales and shipments shall be with the written permission of the commissioner. Protected game birds or animals raised in North Dakota under a propagation permit may be disposed of with the written permission of the commissioner at such times of the year as may be prescribed by him. The carcasses of such birds or animals may be disposed of as food when properly identified by a suitable tag or seal furnished by the commissioner.

Approved March 7, 1951.

## CHAPTER 168

H. B. No. 694

(Hegge, Bratcher, Frank, Lindberg, Snow, Homelvig, Paulson and Roen)

CONFISCATION OF PROPERTY BY CERTAIN GAME AND FISH  
OFFICIALS; PROCEDURE

## AN ACT

To amend and reenact section 20-1001 of the North Dakota Revised Code of 1943, relating to the confiscation of property by the commissioner, deputy commissioner or bonded game warden; and the procedure to be followed in such cases.

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

§ 1. AMENDMENT.) Section 20-1001 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

20-1001. PROPERTY UNLAWFULLY TAKEN, TRANSPORTED, OR USED TO BE CONFISCATED BY CERTAIN GAME AND FISH OFFICIALS, AND PROCEDURE. The commissioner, deputy commissioner, or any bonded game warden shall seize all wild birds, wild animals, or fish, or any part thereof, taken, killed, or possessed, or transported contrary to law, and shall seize all dogs, guns, seines, nets, boats, lights, automobiles, vehicles, instrumentalities, appliances, and devices unlawfully used, or held with intent to be unlawfully used, in pursuing, taking, or attempting to take, concealing, or disposing of wild birds, wild animals, or fish, or any part thereof. All property so seized shall be held subject to the order of a court of competent jurisdiction. Provided, however, that when any property is confiscated as herein provided, the officer making such confiscation shall forthwith bring the person possessing or transporting the same before a court of competent jurisdiction for the purpose of determining the disposition of same. In event the person possessing or transporting the same, or entitled to the property confiscated desires the services of an attorney, a reasonable time shall be given for the purposes of securing counsel. If it is not feasible to bring such person before the court forthwith, the property shall not be seized or confiscated if the person possessing or transporting the same will give a receipt to the officer assuring delivery before the court at such time as the matter may come up. The receipt shall contain the provisions of this section as a part thereof to advise the party of the law.

Approved March 1, 1951.

## CHAPTER 169

S. B. No. 35  
(Legislative Research Committee)  
at the request of  
(Commissioner of Agriculture and Labor)

CONTROL AND DESTRUCTION OF PREDATORY ANIMALS  
AND FIELD RODENTS

## AN ACT

To amend and reenact chapter 20-16 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the control and destruction of predatory animals and injurious field rodents; providing for state, federal and local cooperation in the control and destruction of predatory animals and injurious field rodents in rural areas; and authorizing a county tax levy upon sheep for predatory animal control.

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

§ 1. AMENDMENT.) Chapter 20-16 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-1601. STATE TO COOPERATE WITH FEDERAL FISH AND WILDLIFE SERVICE AND OTHER AGENCIES IN DESTRUCTION OF PREDATORY ANIMALS AND INJURIOUS FIELD RODENTS.) The commissioner of agriculture and labor may cooperate with the United States department of the interior, fish and wildlife service, in the control and destruction of coyotes, wolves, bobcats, and foxes in this state that are injurious to livestock, poultry, and game animals and birds, and in the control and destruction of injurious field rodents in rural areas, in accordance with organized and systematic plans of the department of the interior for the destruction of such predatory animals and injurious rodents. For this purpose the commissioner may enter into written agreements with the fish and wildlife service covering the methods and procedure to be followed in the control and destruction of such predatory animals and injurious rodents, the extent of supervision to be exercised by either or both the commissioner of agriculture and labor and the fish and wildlife service, and the use and expenditure of the funds appropriated therefor by the legislative assembly. The commissioner of agriculture and labor, in cooperation with the fish and wildlife service may enter into agreements with other governmental agencies and with counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the control and destruction of such predatory animals and injurious rodents.

20-1602. EXPENDITURES AUTHORIZED; WHO TO APPROVE VOUCHERS; QUALIFICATIONS OF HUNTERS AND TRAPPERS HIRED; BOUNTIES NOT PAYABLE; WHEN.) The commissioner of agriculture and labor may make such expenditures from funds available for such purpose for equipment, supplies and other expenses, including expenditures for personal services of hunters and trappers, as may be necessary to execute the functions imposed upon him by this chapter. Hunters and trappers employed under the provisions of this chapter shall be residents of the state of North Dakota, but shall not be entitled to bounty provided by the laws of this state for the killing or extermination of predatory animals and injurious rodents. All vouchers for such expenditures made by the commissioner of agriculture and labor shall be approved as to correctness by the duly authorized agent of the fish and wildlife service.

20-1603. DISPOSITION OF PROCEEDS OF FURS, SKINS AND SPECIMENS TAKEN.) All furs, skins and specimens taken by hunters and trappers whose salaries are paid out of funds appropriated to carry out the provisions of this chapter shall be disposed of in such manner as the commissioner of agriculture and labor shall determine to be in the best interests of the state. If such furs, skins or specimens are sold, the net proceeds of such sales but not in excess of twenty thousand dollars, shall be available and are hereby appropriated for payment of expenditures for equipment, supplies and other expenses including expenditures for personal services of hunters and trappers as may be necessary to execute the functions imposed by this chapter.

20-1604. COUNTIES MAY COOPERATE IN PREDATORY ANIMAL AND INJURIOUS RODENT CONTROL.) For the purposes of further carrying out the provisions of this chapter, the boards of county commissioners of the several counties of the state are hereby authorized to perform, within their respective counties, predatory animal and injurious rodent control as defined in section 20-1601, and for this purpose to enter into cooperative agreements with the commissioner of agriculture and labor and the United States department of the interior, fish and wildlife service.

20-1605. FUNDS AVAILABLE FOR PREDATORY CONTROL.) In order to perform such control of predatory animal and injurious rodents, the boards of county commissioners are authorized to make necessary expenditures from special funds of the counties available for this purpose or from the county general or contingent funds.

20-1606. TAX LEVY ON SHEEP FOR PREDATORY ANIMAL FUND.) The board 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 ten cents 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 animal control, and shall remain available until expended.

Approved February 7, 1951.

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## GOVERNMENTAL FINANCE

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### CHAPTER 170

S. B. No. 107  
(Coghlan)

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#### BONDS OF POLITICAL SUBDIVISIONS; DEFINING 'VALUE OF TAXABLE PROPERTY' AND 'ASSESSED VALUATION'

##### AN ACT

To amend and reenact subsection 4 of section 21-0301 of the North Dakota Revised Code of 1943, defining value of taxable property and assessed valuation in relation to bond issues by political subdivisions, and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Subsection 4 of section 21-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. "Value of taxable property" or "the assessed valuation" of a municipality shall mean that portion of the value of all taxable property in such municipality as last finally equalized, against which the mill rate of taxes for state and county purposes is computed and extended, except that if prior to January 1, 1951, any school district shall have commenced the erection of a new school building or the school building in such school district shall have been destroyed and such school district shall vote to issue bonds for the purpose of completing or erecting a school building prior to January 1, 1952, or if special improvement warrants were issued by a municipality prior to January 1, 1935, and bonds are issued to cover a deficiency in the fund for the payments of such warrants as provided in section 21-0306, subsection 2, subdivision g, then for the

purpose of determining the limit of indebtedness of such municipality as applied to the issuance of such bonds, such terms shall mean the full and true one hundred percent value of all taxable property in such municipality as finally equalized by the state board of equalization;

§ 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, 1951.

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## CHAPTER 171

S. B. No. 49

(Legislative Research Committee)

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### MUNICIPAL BONDS; APPROVAL BY ELECTORS; EXCEPTIONS

#### AN ACT

To amend and reenact section 21-0307 of the North Dakota Revised Code of 1943, as amended by chapters 195 and 192 of the Session Laws of 1947, relating to the issuance of bonds by a municipality; providing for votes of approval by the electors of the municipality and for exceptions thereto, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 21-0307 of the North Dakota Revised Code of 1943, as amended by chapters 195 and 192 of the session laws of 1947, is hereby amended and reenacted to read as follows:

21-0307. ELECTION REQUIRED; EXCEPTIONS.) No municipality, and no governing board thereof, shall issue bonds without being first authorized to do so by a vote equal to sixty-six and two-thirds percent, in the case of municipalities having a population of less than five thousand, or a vote of sixty percent in the case of municipalities having a population of five thousand or more, of all the qualified voters of such municipality voting upon the question of such issue except:

1. As otherwise provided in section 21-0304
2. The governing body may issue bonds of the municipality for the purpose and within the limitations specified by section 21-0306, subsection 2, subdivision g, including village bonds for such purpose, and section 21-0306, subsection 7, without an election; and

3. Any municipality, as defined and listed in section 21-0306, may issue its bonds for the replacement of municipally owned public buildings within such municipality upon the authorization of sixty percent of the electors voting upon the question of such issue in the following cases:
  - a. When such building has been destroyed by fire, wind, explosion, or other cause;
  - b. When, after a public hearing, the governing body of such municipality shall adopt a resolution declaring it necessary to replace a municipally owned public building for the reason that such building has become unsafe or inadequate for use and occupancy as a public building, or for keeping the public records or property of such municipality housed therein. The governing body of such municipality shall give notice of such public hearing by a statement published once each week for two successive weeks in any legal newspaper published within such municipality, or in the official county newspaper, if the municipality is the county, or if no newspaper is published within such municipality then by publication in the official newspaper of the county, and by posting a statement in five separate public places within the municipality. Such statement shall set forth the time and place of the hearing and the reasons therefor.

No municipality having a board of budget review shall issue any bond or hold any election to secure authority to issue any bond, until there has been compliance with the provisions of sections 40-4106 and 40-4107. All questions of population shall be governed by the last state or federal census.

§ 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 6, 1951.

## CHAPTER 172

H. B. No. 650

(Sailer, Bentz, Robinson, Hafner, Bubel and Thompson)

DISTRIBUTION OF FEDERAL FUNDS IN COUNTIES AFFECTED  
BY FEDERAL LAND ACQUISITION

## AN ACT

To amend and reenact section 21-0610 of the 1949 Supplement relating to the distribution of federal funds in counties affected by federal acquisition of lands for public use and providing for the appropriation and distribution of funds received from the federal government in counties where the federal government has acquired land for the development of projects for public uses and declaring an emergency. The government of the United States under the provisions of Public Law 526 of the 79th Congress has provided that seventy-five per centum of all moneys received and deposited in the treasury of the United States during any fiscal year on account of the leasing of lands acquired by the United States for flood control purposes shall be paid at the end of such year by the secretary of the treasury to the state in which such property is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such property is situated, and

The secretary of the treasury of the United States has paid to the treasurer of the state of North Dakota certain sums of money as provided in said Public Law 526 referred to herein, and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 21-0610 of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0610. MONEYS RECEIVED THROUGH LEASING OF LANDS ACQUIRED BY UNITED STATES FOR FLOOD CONTROL DISTRIBUTED TO COUNTIES FOR SCHOOLS AND ROADS.) The funds so received, as in said Public Law 526 set forth, by any county in this state, the treasurer of the State of North Dakota shall pay over to the county or counties entitled thereto as in said public law set forth. The first one-half of such funds shall be distributed to the school districts which have lost land subject to taxation by reason of the acquisition of lands by the United States on the basis of the proportionate amount of such lands acquired by the United States. If all of the land in any such district shall have been acquired by the United States the share of such funds assignable to such district shall be paid into, and disbursed in the manner provided

by law for the county tuition fund. The remaining half of such funds shall be paid to such counties for road purposes to be expended as the county commissioners shall determine. This act shall apply to all funds heretofore received or to be received by the counties entitled thereto.

§ 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 5, 1951.

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## HEALTH AND SAFETY

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### CHAPTER 173

H. B. No. 543  
(Legislative Research Committee)

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#### BURIAL OF DEAD, DUTY OF COUNTIES

##### AN ACT

To amend and reenact subsection 5 of section 23-0603 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the duty of counties to bury deceased persons.

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

§ 1. AMENDMENT.) Subsection 5 of section 23-0603 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5. If the deceased left no husband, wife, or kindred answering the foregoing description and did not leave means sufficiently to defray his funeral expenses, including the cost of a casket, upon the county welfare board of the county in which the deceased had residence for poor relief purposes and if such residence cannot be established, then in the county in which the death occurs, and such board shall employ some person to arrange for and supervise the burial. The necessary and reasonable expense thereof, not exceeding one hundred fifty dollars, shall be borne by the county. The county also shall pay reasonable costs of transporting the body to the place of burial when burial is made in a cemetery out of the county in which death occurred, but not exceeding one hundred dollars.

Approved February 3, 1951.

## CHAPTER 174

H. B. No. 554  
(Legislative Research Committee)

ABANDONED OR DISUSED WELLS OR SHAFTS TO BE FILLED;  
PENALTY

## AN ACT

To amend and reenact section 23-1306 of the North Dakota Revised Code of 1943, relating to the filling of abandoned or disused wells or shafts, and providing a penalty.

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

§ 1. AMENDMENT.) Section 23-1306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1306. OWNER OF LAND TO FILL ABANDONED OR DISUSED WELLS, SHAFTS AND OTHER EXCAVATIONS.) Any person, firm, or corporation owning or occupying lands in this state upon which is located any abandoned or disused well or shaft, shall cause such well or shaft to be filled with earth or stone so as to obviate any possible menace to the safety of persons or property. Any violation of this section shall be punished by a fine of not to exceed ten dollars for each day such violation is continued.

Approved March 5, 1951.

## CHAPTER 175

S. B. 66

(Legislative Research Committee)

## FIREWORKS DEFINED

## AN ACT

To amend and reenact section 23-1501 of the 1949 Supplement of the North Dakota Revised Code of 1943, relating to Fireworks.

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

§ 1. AMENDMENT.) Section 23-1501 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1501. FIREWORKS DEFINED.) As used in this chapter, the term "fireworks" means any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by explosion, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky rockets, roman candles, daygo bombs, or other fireworks of like construction, and any fireworks containing any explosive or compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing twenty-five hundredths grains or less of explosive compound are used and toy pistol caps which contain less than twenty hundredths grains of explosive mixture.

§ 2. EFFECTIVE DATE.) This act shall become effective after July 10, 1951.

Approved February 26, 1951.

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**HIGHWAYS, BRIDGES, AND FERRIES**

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**CHAPTER 176****S. B. No. 102****(Baeverstad, Work and Nordhougen)**

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**RECONSTRUCTION WORK ON SECONDARY STATE HIGHWAYS  
WITHOUT LETTING CONTRACT****AN ACT**

To amend and reenact section 24-02192 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to reconstruction work on secondary state highways and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 24-02192 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-02192. RECONSTRUCTION WORK WITHOUT LETTING CONTRACT.) Until December 31, 1952, the state highway department may, in any case where, in the opinion of the commissioner, the public interest and the preservation of state highways from deterioration requires it, do the work necessary for minor grading reconstruction on any established secondary state highway without letting a contract for such reconstruction work, or the commissioner may, in his discretion, contract with the county in which any such reconstruction project is located, to perform such reconstruction work on a cost basis. Any such reconstruction projects may include any project that is eligible for federal aid, provided, that any such reconstruction project that has been commenced prior to January 1, 1953, may be completed within the year of 1953. Any funds available for highway construction purposes may be expended in carrying out the provisions of this section.

§ 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 5, 1951.

## CHAPTER 177

H. B. No. 707  
(Bentz and Robinson)  
(at the request of the State Examiner)

CONTRACTS FOR COUNTY ROAD MACHINERY AND OTHER  
HIGHWAY EQUIPMENT

## AN ACT

To amend and reenact section 24-0504 of the North Dakota Revised Code of 1943 relating to contracts for county road machinery and other articles for the improvement of highways.

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

§ 1. AMENDMENT.) Section 24-0504 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0504. CONTRACTS TO BE ADVERTISED. REQUIREMENTS FOR RENTAL CONTRACTS. All purchases of county road machinery, and all rental contracts or agreements for the use of road machinery and other articles or contracts for the improvement of the highways, except necessary repairs for such road machinery, which shall exceed the sum of five hundred dollars, shall be advertised in the manner provided by law for the purchase of county supplies. The board of county commissioners shall not enter into a rental contract or agreement for the use of road machinery and other articles for a longer period than twelve months from the date of such rental contract or agree to pay rental for the use of road machinery and other articles which would result in the lessor receiving rental at a rate in excess of twenty per centum per annum of the cash sale price thereof, which cash sale price of such road machinery and other articles shall be clearly set forth in all such rental contracts, and failure to include such data in any rental contract for the use of road machinery and other articles shall render any such rental contract null and void, and any payments made thereunder shall be recoverable from the county commissioners making such contract jointly and severally.

Approved March 7, 1951.

## CHAPTER 178

H. B. No. 579  
(Legislative Research Committee)

TOWNSHIP ROAD AND BRIDGE CONSTRUCTION;  
IMPROVEMENTS AND REPAIRS

## AN ACT

To amend and reenact sections 24-0602, 24-0607, 24-0608 and 24-0609 of the North Dakota Revised Code of 1943 and to repeal sections 24-0621, 24-0622, 24-0623, 24-0624, 24-0625 and subsection 3 of section 58-1203 of the North Dakota Revised Code of 1943, relating to township road and bridge construction, improvements and repairs.

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

§ 1. AMENDMENT.) Section 24-0602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0602. TOWNSHIP MAY PURCHASE ROAD MACHINERY; CREDIT TERMS.) The board of supervisors of any township, subject to the provisions of section 24-0603, may contract for and purchase, upon credit or otherwise, any road machinery, implements, or equipment for the use of such township.

§ 2. AMENDMENT.) Section 24-0607 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0607. ROAD MACHINERY; SALE; PURCHASE; LEASE.) In townships owning road machinery, the board of township supervisors may make such disposition of the same as in its discretion is best for the interests of the township, or it may purchase or lease such machinery as may be necessary. No purchase, sale, or lease of machinery, involving a sum in excess of four hundred dollars, shall be undertaken unless such sale, purchase or lease shall be authorized by the voters as prescribed in section 24-0603.

§ 3. AMENDMENT.) Section 24-0608 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0608. CONTRACTS FOR TOWNSHIP ROAD IMPROVEMENTS; NOTICE; BIDS.) Except for such work as may be done by township employees or in accordance with the provisions of section 24-0609, the board of township supervisors shall not expend more than five hundred dollars in any fiscal year for the construction, improve-

ment or repairing of highways or bridges in any township, unless the board files plans and specifications for such work in the office of the township clerk and advertises for bids therefor. The notice for bids shall specify the time when and the place where such bids will be received and shall be given by publication in a newspaper published in the county once a week for two successive weeks. A contract for work and improvements shall be let to the lowest bidder in accordance with the plans and specifications furnished by the board of township supervisors. The board, upon the letting of a contract, shall require a good and sufficient bond for the faithful performance of the work to be done and performed under such contract. Such board shall have authority to reject any and all bids.

§ 4. AMENDMENT.) Section 24-0609 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0609. CONTRACT FOR TOWNSHIP ROAD AND BRIDGE WORK BY COUNTY TOWNSHIP, OR SOIL CONSERVATION DISTRICT.) The board of supervisors of any township may enter into a contract with the board of county commissioners of the county, the board of supervisors of another township or the directors of a soil conservation district for the construction, improvement, or repairing of township roads and bridges without the necessity of advertising for bids.

§ 5. REPEAL.) Sections 24-0621, 24-0622, 24-0623, 24-0624, 24-0625 and subsection 3 of section 58-1203 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved February 24, 1951.

## CHAPTER 179

H. B. No. 756

(Lee Stormon of Ramsey, Skaar and Einarson)

### DETERMINATIONS OF SURFACE WATER FLOW AND APPROPRIATE HIGHWAY CONSTRUCTION

#### AN ACT

Relating to surface water flow; providing for determinations by the state water conservation commission and for highway construction in accordance with such determination.

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

§ 1.) Whenever and wherever a highway under the supervision, control, and jurisdiction of the state highway department or under the supervision, control, and jurisdiction of the board of county commissioners of any county has been or will be constructed over a water course or draw into which flow surface

waters from farm lands, the state water conservation commission, upon petition of the majority of landowners of the area affected, shall determine as nearly as practicable the maximum quantity of water, in terms of second feet, which such water course or draw may be required to carry. When such determination has been made by the state water conservation commission, it shall be the duty of the state highway department or the board of county commissioners, as the case may be, upon notification of such determination, to install a culvert or bridge of sufficient capacity to permit such maximum quantity of water to flow freely and unimpeded through such culvert or under such bridge.

Approved March 6, 1951.

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## CHAPTER 180

S. B. No. 208  
(Pyle and Luick)

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### TOWNSHIP ROAD AND DRAINAGE CONSTRUCTION STANDARDS

#### AN ACT

Relating to township road and drainage construction.

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

§ 1.) Whenever the construction or reconstruction of a township road or bridge, the insertion of a culvert in a township road, or the construction or reconstruction of a ditch or drain in connection with a township road affects the flow of surface waters and increases the surface water flow through ditches, drains, bridges and culverts in other townships, the board of township supervisors or the township overseer of highways of the township undertaking such construction or reconstruction shall give notice to the boards of township supervisors or township overseers of highways in all townships affected by such construction or reconstruction projects.

§ 2.) The boards of township supervisors of townships affected by any road or bridge construction which changes or increases the flow of surface waters shall cooperate in the determination of uniform construction standards to be adopted by all townships affected and shall cooperate in such construction projects expending on any portion of such projects such portions of the road and bridge tax as deemed conducive to the interests of the township.

Approved February 27, 1951.

## CHAPTER 181

S. B. No. 136  
(Duffy and Pyle)

## INJURIES TO HIGHWAYS AND BRIDGES

## AN ACT

To amend and reenact section 24-1206 of the North Dakota Revised Code of 1943, relating to injuries to highways or bridges; requiring permission before injuring, and providing a penalty.

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

§ 1. AMENDMENT.) Section 24-1206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-1206. INJURIES TO HIGHWAYS.) Any person who willfully digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway or bridge, or any private way laid out by authority of law, or any bridge upon such way without first securing permission from the person or governing body of the jurisdiction having control thereof is guilty of a misdemeanor and shall be punished by a fine of not to exceed one hundred thirty days or by both such fine and imprisonment.

Approved February 27, 1951.

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**INSANE, FEEBLE-MINDED, TUBERCULAR,  
BLIND, AND DEAF**

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CHAPTER 182

H. B. No. 600  
(Fristad, Beede, Hofstrand and Ekren)

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STATE HOSPITAL

AN ACT

To amend and reenact section 25-0201 of the North Dakota Revised Code of 1943 relating to the title of the state hospital.

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

§ 1. AMENDMENT.) Section 25-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0201. STATE HOSPITAL: LOCATION; TITLE.) An institution for the care of the insane shall be maintained at the city of Jamestown, and shall be known as the state hospital.

Approved February 20, 1951.

## CHAPTER 183

S. B. No. 41  
(Legislative Research Committee)

COMPENSATION AND MILEAGE OF MEMBERS OF INSANITY  
BOARD, SHERIFF AND WITNESSES

## AN ACT

To amend and reenact section 25-0315 of the North Dakota Revised Code of 1943, relating to county insanity boards, providing for compensation and mileage of the members, sheriff, and witnesses.

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

§ 1. AMENDMENT.) Section 25-0315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0315. COMPENSATION AND MILEAGE OF MEMBERS OF INSANITY BOARD, EXAMINING PHYSICIAN, SHERIFF, AND WITNESSES.) Each member of the insanity board, except the county judge, and the state's attorney while acting as chairman of the board if he is not already a member thereof, shall be allowed ten dollars per day for the time actually employed in the duties of his office, and mileage as provided in section 11-1015. The sheriff shall be allowed the same mileage for services rendered upon the order of the insanity board as he is allowed for other like services, except that in conveying persons to the state hospital, his mileage shall be as specified in section 11-1525. Witnesses before the insanity board shall be entitled to the same fees as witnesses in the district court. The compensation and expenses mentioned in this section shall be allowed and paid out of the county treasury in the same manner as other county expenses are paid.

Approved March 6, 1951.

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**INSURANCE**

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**CHAPTER 184**

**S. B. No. 95**  
**(Rue and Nordhougen)**

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**OFFICIAL EXAMINATIONS OF INSURANCE COMPANIES; FEES**  
**AN ACT**

To amend and reenact subsection 6 of section 26-0104, and to amend and reenact section 26-0108 of the 1949 Supplement to 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.) Subsection 6 of section 26-0104 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6. For an official examination, the actual expense and per diem incurred; such per diem charge not to exceed twenty-five dollars;

§ 2. AMENDMENT.) Section 26-0108 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0108. EXAMINATION OF DOMESTIC AND FOREIGN INSURANCE COMPANIES; TIMES; EXPENSE.) 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 Twenty-five Dollars (\$25) 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.

§ 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, 1951.

## CHAPTER 185

S. B. No. 123  
(Bjorlie, Duffy and Page)

## CLASIFICATION OF STANDARD FIRE INSURANCE POLICY

## AN ACT

To amend and reenact section 3 of chapter 215, 1945 Session Laws, relating to standard fire insurance policies.

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

§ 1. AMENDMENT.) Section 3 of chapter 215, 1945 Session Laws is hereby amended and reenacted to read as follows:

§ 3.) The standard fire insurance policy provided for herein shall be construed to be a valued policy as defined under the provisions of section 26-0303 of the North Dakota Revised Code of 1943.

Approved March 3, 1951.

## CHAPTER 186

S. B. No. 168  
(Morgan and Day)  
(By Request)

## BY-LAWS, MUTUAL INSURANCE COMPANIES

## AN ACT

To amend and reenact section 26-0819 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the by-laws of mutual insurance companies.

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

§ 1. AMENDMENT.) Section 26-0819 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0819. BY-LAWS OF MUTUAL INSURANCE COMPANIES MEETINGS; NOTICE; QUORUM.) The by-laws of any mutual insurance company organized under the provisions of chapter 26-08 or 26-14 of the North Dakota Revised Code of 1943, shall prescribe the

manner of notification to members of all corporation meetings of members and shall prescribe what shall constitute a quorum of members with the following limitations: A quorum shall be those members present in person or represented by written proxies. A majority of those voting shall be sufficient to approve or reject any proposal submitted at any such annual or special meeting. Every member of the company shall be entitled to one vote only. He shall be notified of the time and place of the holding of the meetings of the company by a written notice or by an imprint on the back of each policy, receipt, or certificate of renewal, and in addition thereto a notice of any annual or special meeting shall be published in the official paper of the county in which the principal office of the company is located, such notice to be published at least twice, the first publication to be made at least sixty days before such meeting. If a special meeting of members is called, a notice of the time and place and object thereof shall be mailed to all members at least sixty days before the date of such meeting.

Approved March 7, 1951.

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## CHAPTER 187

H. B. No. 717  
(Wolf and Bubel)  
at the request of  
Commissioner of Insurance

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### ACTIONS AGAINST AND SERVICE PROCESS UPON UNAUTHORIZED FOREIGN INSURERS; ATTORNEYS FEES

#### AN ACT

Relating to insurers unauthorized to transact business in this state; providing for actions in this state against and for the service of process upon such insurers and providing for the allowance of attorneys fees in actions against such insurers.

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

§ 1. SERVICE OF PROCESS UPON UNAUTHORIZED INSURER.)  
Any of the following acts in this state, effected by mail or otherwise, by an unauthorized foreign or alien insurer:

1. The issuance or delivery of contracts of insurance to residents of this state or to corporations authorized to do business therein.
2. Solicitation of applications for such contracts.

3. The collection of premiums, membership fees, assessments or other considerations for such contracts, or
4. Any other transaction of insurance business,

is equivalent to and shall constitute an appointment by such insurer of the commissioner of insurance and his successor or successors in office, to be its true and lawful attorney, upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such insurer.

§ 2. SERVICE OF PROCESS; HOW MADE.) Service of process shall be made by delivering to and leaving with the commissioner of insurance or some person in apparent charge of his office, two copies thereof and the payment to him of a two dollar fee for each process so served. The commissioner of insurance shall forthwith mail by registered mail one of the the copies of such process to the defendant at its last known principal place of business and shall keep a record of such process so served upon him. Such service of process is sufficient, provided notice of such service and a copy of the process are sent within ten days thereafter by registered mail by the plaintiff or the plaintiff's attorney to the defendant at its last known principal place of business and the defendant's receipt, or receipt issued by the postoffice with which the letter is registered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

§3. ADDITIONAL MEANS OF SERVICE OF PROCESS.) Service of process in any such action, suit or proceedings shall in addition to the manner provided in Section 2 be valid if serviced upon any person within this state who, in this state on behalf of such insurer is;

1. Soliciting insurance, or
2. Making, issuing or delivering any contract of insurance, or
3. Collecting or receiving any premium, membership fee, assessment or other consideration for insurance; and a

copy of such process is sent within ten days thereafter by registered mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant,

and the defendant's receipt or the receipt issued by the post-office with which the letter is registered showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending or before the date the defendant is required to appear or within such further time as the court may allow.

§ 4. WHEN PLAINTIFF ENTITLED TO JUDGMENT.) No plaintiff or complainant shall be entitled to a judgment by default under this act until the expiration of thirty days from the date of filing of the affidavit of compliance.

§ 5. RIGHT OF SERVICE OF PROCESS SHALL NOT BE ABRIDGED.) Nothing in this section contained shall limit or abridge the right to serve any process, notice or demand upon any insurer in any other manner now or hereafter permitted by law.

§ 6. DEFENSE OF ACTION BY UNAUTHORIZED INSURER.) Before any unauthorized foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unauthorized insurer shall deposit with the clerk of the court in which such action, suit or proceeding is pending, cash or securities, or file with such clerk a bond with good and sufficient sureties to be approved by the court in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action, provided, however, that the court may in its discretion make an order dispensing with such deposit or bond where the insurer makes a showing satisfactory to such court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding, and that such insurer will pay any final judgment rendered without requiring suit to be brought on such judgment in the state where such securities are located, or procure a certificate of authorization to transact the business of insurance in this state.

§ 7. COURT MAY ORDER POSTPONEMENT.) The court in any action, suit or proceeding in which service is made in the manner provided in sections 2 and 3, may in its discretion, order such postponement as may be necessary to afford the defendant reasonable opportunity to comply with provisions of this Act and to defend such action.

§ 8. CONSTRUCTION.) Nothing in section 7 is to be construed to prevent an unauthorized foreign or alien insurer from filing a motion to quash a writ or to set aside service thereof made in the manner provided in this Act on the ground, either that such

unauthorized insurer has not done any of the acts enumerated in this Act or that the person on whom service was made pursuant to section 3 of this Act was not doing any of the acts therein enumerated.

§ 9. ATTORNEY FEES.) In any action against an unauthorized foreign or alien insurer upon a contract of insurance issued or delivered in this state to a resident thereof or to a corporation authorized to do business therein, if the insurer has failed for thirty days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed twelve and one-half percent of the amount which the court or jury finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee be less than twenty-five dollars. Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

§ 10.) The provisions of this Act shall not apply to any action, suit or proceeding against any unauthorized foreign or alien insurer arising out of any contract of

1. Reinsurance, ocean marine, aircraft or railway insurance.
2. Insurance against legal liability arising out of the ownership, operation or maintenance of any property having a permanent situs outside this state, or
3. Insurance against loss of or damage to any property having a permanent situs outside this state

where such contract of insurance contains a provision designating the insurance commissioner or a bona fide resident of the state of North Dakota to be the true and lawful attorney of such unauthorized insurer upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of such contract or where the insurer enters a general appearance in any such suit, action or proceeding.

§ 11. 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.

Approved March 9, 1951.

## CHAPTER 188

H. B. No 716  
(Wolf and Bubel)  
at the request of the  
(Commissioner of Insurance)

FRAUDULENT ADVERTISING OF UNAUTHORIZED FOREIGN  
INSURERS; ACTIONS; SERVICE OF PROCESS

## AN ACT

Relating to fraudulent advertising of insurers not authorized to transact business in this state and providing for actions in this state with respect thereto and for service of process upon such insurers.

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

§ 1. DEFINITIONS.) When used in this Act:

- a. The commissioner shall mean the commissioner of insurance of this state.
- b. Unfair Trade Practice Act shall mean the Act relating to unfair methods of competition and unfair and deceptive acts and practices in the business of insurance.

§ 2. NOTICE TO DOMICILIARY SUPERVISORY OFFICIAL.) Whenever the commissioner shall have reason to believe that any unauthorized foreign or alien insurer is making, issuing, circulating or causing to be made, issued or circulated, to residents of this state or to corporations unauthorized to do business therein, any estimate, illustration, circular, pamphlet, or letter, or is causing to be made in any newspaper, magazine or other publication or over any radio station, any announcement or statement to such residents or corporations, misrepresenting its financial condition or the terms of any contracts issued or to be issued or the benefits or advantages promised thereby, or the dividends or share of the surplus to be received thereon, it shall be the duty of the commissioner to give notice in writing of such fact to the insurance supervisory official of the domiciliary state of such insurer. For the purpose of this section the domiciliary state of an alien insurer shall be deemed to be the state of entry or the state of the principal office in the United States.

§ 3. ACTION BY COMMISSIONER.) If after thirty days following the giving of the notice mentioned in section 2 such insurer has failed to cease making, issuing, or circulating such misrepresentations or causing the same to be made, issued or circulated

in this state, and if the commissioner has reason to believe that a proceeding by him in respect to such matters would be to the interest of the public, and that such insurer is issuing or delivering contracts of insurance to residents of this state or to corporations authorized to do business therein or collecting premiums on such contracts or otherwise transacting business in this state, he shall take action against such insurer under the Unfair Trades Practice Act.

§ 4. SERVICE UPON UNAUTHORIZED INSURER.) Any of the following acts in this state, effected by mail or otherwise, by any unauthorized foreign or alien insurer:

1. The issuance or delivery of contracts of insurance to residents of this state or to corporations authorized to do business therein;
2. The collection of premiums for such contracts, or
3. Any other transaction of business, is equivalent to and shall constitute an appointment by such insurer of the commissioner and his successor or successors in office to be its true and lawful attorney upon whom may be served all statements of charges, notices and lawful process in any proceeding instituted in respect to the misrepresentations set forth in section 2 hereof under the provisions of the Unfair Trade Practice Act, or in any action, suit or proceeding for the recovery of any penalty therein provided, and any such act shall be signification of its agreement that such service of statement of charges, notices or process is of the same legal force and validity as personal service of such statement of charges, notices or process in this state, upon such insurer.

§ 5. SERVICE OF A STATEMENT OF CHARGES AND NOTICES.) Service of a statement of charges and notices under said Unfair Trade Practice Act shall be made by any deputy or employee of the department of insurance delivering to and leaving with the commissioner or some person in apparent charge of his office, two copies thereof. Service of process issued by any court in any action, suit or proceeding to collect any penalty under said Act provided, shall be made by delivering and leaving with the commissioner or some person in apparent charge of his office, two copies thereof. The commissioner shall forthwith cause to be mailed by registered mail one of the copies of such statement of charges, notices or process to the defendant at its last known principal place of business, and shall keep a record of all statements of charges, notices or process so served. Such service of statement of charges, notices or process shall be sufficient provided they shall have been so mailed and the defendant's receipt or receipt issued by the post office with which the letter is reg-

istered, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the person mailing such letter showing a compliance herewith are filed with the commissioner in the case of any statement of charges or notices, or with the clerk of the court in which such action is pending in the case of any process, on or before the date the defendant is required to appear or within such further time as may be allowed.

§ 6. SERVICE OF STATEMENT OF CHARGES.) Service of statement of charges, notices and process in any such proceeding, action or suit shall in addition to the manner provided in section 5 be valid if served upon any person within this state who on behalf of such insurer is:

1. Soliciting insurance, or
2. Making, issuing or delivering any contract of insurance, or
3. Collecting or receiving any premium for insurance;

and a copy of such statement of charges, notices or process is sent within ten days thereafter by registered mail by or on behalf of the commissioner to the defendants at the last known principal place of business of the defendant, and the defendant's receipt, or the receipt issued by the post office with which the letter is registered, showing the name of the sender of the letter, the name and address of the person to whom the letter is addressed, and the affidavit of the person mailing the same showing a compliance herewith, are filed with the commissioner in the case of any statement of charges or notices, or with the clerk of the court in which such action is pending in the case of any process, on or before the date the defendant is required to appear or within such further time as the court may allow.

§ 7. CEASE OR DESIST ORDER.) In no cease or desist order or judgment by default under this section shall be entered until the expiration of thirty days from the date of the filing of the affidavit of compliance. Nothing in this section contained shall limit or prohibit the right to serve any statement of charges, notices or process upon any insurer in any other manner now or hereafter permitted by law.

§ 8. CONSTITUTIONALITY.) If any provision of this Act or the application thereof to any person or circumstances is here 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.

Approved March 9, 1951.

## CHAPTER 189

S. B. No. 86

(Nelson, Olson, Haag and Reinke)

## HAIL INSURANCE COVERAGE

## AN ACT

To amend and reenact section 26-2211 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to state hail insurance and crops insurable thereunder, dates when coverage or insured crops commences and terminates, and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 26-2211 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2211. CROPS INSURABLE; DATES WHEN COVERAGE ON INSURED CROPS COMMENCES AND TERMINATES.) Crops of rye, wheat, speltz, barley, oats, flax, corn, buckwheat, millet, sweet clover, alfalfa, and cane grown on cultivated land which is listed as actually cropped are insurable in the state hail insurance department in the manner specified in this chapter. Insurance obtained under the provisions of this chapter shall not become effective on winter wheat or winter rye before twelve o'clock noon, central standard time, of June first and shall not become effective on other crops before twelve o'clock noon, central standard time, of June tenth of any year. No indemnity shall be allowed for a loss to winter wheat, winter rye or corn which occurs later than twelve o'clock noon, central standard time of September fifteenth nor for a loss to flax which occurs later than twelve o'clock noon, central standard time, of October first nor for a loss to any other crop which occurs later than twelve o'clock noon, central standard time, of September twenty-fifth of any year. The insurance permitted under this chapter shall not be effective on any crops which have been damaged materially by hail before an application is filed with the state hail insurance department.

§ 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 7, 1951.

## CHAPTER 190

S. B. No. 169  
(Morgan and Day, by request)

## RESERVE FUNDS, MUTUAL INSURANCE COMPANIES

## AN ACT

To amend and reenact section 26-1416 of the North Dakota Revised Code of 1943, relating to reserve funds and mutual insurance companies.

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

§ 1. AMENDMENT.) Section 26-1416 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1416. RESERVE FUND MAY BE ESTABLISHED; LIMITATION; USE OF THE SAME.) Any mutual insurance company, at a meeting called for that purpose, may provide for the accumulation of a permanent fund, in such amount as may from time to time be determined by the board of directors, by reserving a portion of the net profits for investment as a reserve for the security of the policyholders. When the fund so accumulated amounts to five percent of the sum insured by all policies in force, the whole of the net profits thereafter shall be divided among the insureds in cash as provided in the bylaws of the company. The permanent fund so accumulated shall be used for the payment of losses and expenses whenever the cash funds of the company in excess of an amount equal to its liabilities are exhausted.

Approved March 3, 1951.

## CHAPTER 191

S. B. No. 148

(Fraser, Blume, Troxel, Sandness, Schoeder, Welander,  
Reinke and Coghlan)INDEMNITY COVERAGE AND TAX LEVY FOR STATE HAIL  
INSURANCE

## AN ACT

To amend and reenact section 26-2223 and section 26-2224 of the North Dakota Revised Code of 1943; and section 26-22241 and 26-2232 of the 1949 Supplement to the North Dakota Revised Code of 1943; relating to state hail insurance; amount of indemnity coverage and hail insurance indemnity tax levy.

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

§ 1. AMENDMENT.) Section 26-2223 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2223. AMOUNT OF INDEMNITY; WHEN LOSSES ALLOWED.) The maximum amount of indemnity for total loss shall be either eight dollars per acre or twelve dollars per acre, and the application for hail insurance coverage may specify either of said amounts. No indemnity shall be allowed to any claimant for a loss of less than ten percent, and a loss of eighty-five percent or over shall be deemed a total loss. Only loss or damage to crops directly traceable to hail shall be allowed and no indemnity shall be allowed or paid for damage to any crop after it is abandoned.

§ 2. AMENDMENT.) Section 26-2224 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2224. ADDITIONAL INSURANCE: APPLICATION; WHEN EFFECTIVE; CONTENTS OF APPLICATION.) If the original application for hail insurance calls for eight dollars per acres insurance, the insured, before loss and before July fifteenth, may make an application to the state hail insurance department for an additional four dollars per acre protection. Such application shall be made in duplicate upon forms prepared and furnished by the commissioner of insurance, and shall be mailed directly to the department at Bismarck, and shall contain the legal description of the land, the kind of crops, the acreage thereof on which additional insurance is desired, and a statement to the effect that such crops have not been damaged or destroyed by hail. The location of

the crops on which additional insurance is desired shall be shown on a diagram on the application blank. The application shall be signed by the applicant and shall be acknowledged before an assessor or sworn to before someone authorized to administer oaths. If the applicant is a tenant, the signed consent of the person liable for the hail indemnity tax must appear upon such application, and if the owner makes such application the written consent of the tenant must appear thereon. If an owner or a tenant acts as agent one for the other in filing such application, a written authorization so to act shall be attached to the application. An application for additional insurance is subject to the approval of the commissioner of insurance, and if approved, the duplicate thereof shall be returned to the applicant and shall be his policy of insurance. In no event shall such additional insurance become effective before the application is on file in the office of the state hail insurance department.

§ 3. AMENDMENT.) Section 26-22241 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

22-22241. ADDITIONAL COVERAGE BY STATE HAIL INSURANCE DEPARTMENT; AMOUNT OF INDEMNITY.) Any person who has made application for hail insurance coverage of either eight dollars or twelve dollars per acre with the state hail insurance department, may make application for additional coverage as herein provided. Such additional coverage shall be for five dollars or ten dollars per acre, as the application for such insurance may specify. Such application shall be made in duplicate at the office of the county auditor in the county where the land described in the application is located, and shall be made on forms to be furnished by the state hail insurance department.

Such application shall refer to the original application or applications already applied for, and contain a legal description of the land, the kind of crops and acreage of the same on which additional insurance is desired; in no event shall such additional insurance become effective before the application is on file in the state hail insurance department in Bismarck. No indemnity shall be allowed for any loss or damage to such crops after the same is abandoned. The county auditor shall be paid the sum of one cent per acre on all applications for such additional insurance approved by the state hail insurance department for his services in writing the applications as herein provided.

§ 4. AMENDMENT.) Section 26-2232 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2232. COMMISSIONER DETERMINES RATE OF HAIL INDEMNITY TAX LEVY; COLLECTION OF HAIL INDEMNITY TAX BY COM-

MISSIONER WITH DISCOUNT; CERTIFICATE TO COUNTY AUDITORS; DUTIES OF COUNTY AUDITORS AND TREASURERS.) The commissioner of insurance shall determine the rate of levy for the hail indemnity tax in each of the districts described in section 26-2230. When twelve dollars per acre insurance is carried, the indemnity tax shall be as much greater than the tax for eight dollars per acre insurance as twelve is greater than eight. In addition to the tax levy provided for in this section an indemnity tax of four cents per acre shall be levied on all twelve dollar per acre insurance which shall be paid into the permanent surplus fund provided for in section 26-2207 of the North Dakota Revised Code of 1943 until such fund reaches the sum of four million dollars. As soon as possible after the hail indemnity tax rates have been determined, the commissioner shall send a statement by mail to each owner of real property against which the hail indemnity tax has been levied, setting forth the amount of said hail indemnity tax. The commissioner shall allow a five per cent discount to all persons who shall pay all of the hail indemnity tax levied on any tract or parcel of real property in any one year in full on or before the fifteenth day of November of the year in which such hail indemnity tax has been levied. As soon as possible after the fifteenth day of November of each year, the commissioner through the state hail insurance department, shall file with the county auditor of each county a complete list of descriptions of lands within such county upon which the state hail insurance department has carried the protection for the then current season based on the regular applications for hail insurance on file in his office after cancellation thereof and changes therein have been considered and cash payment have been credited. Each county auditor shall enter the unpaid hail indemnity tax in the tax list for his county and spread the same upon the tax rolls thereof in separate columns showing the amount of indemnity tax charged against each description of each tract, parcel, or subdivision of land insured with the department using the list described in this section as the basis therefor. The several county auditors and county treasurers shall make proper corrections on their records and shall cause deductions of hail indemnity taxes to be made from time to time upon receipt of certification from the state hail insurance department.

Approved March 10, 1951.

## CHAPTER 192

H. B. No. 657  
Erickson, Lindberg (Burke Divide)

PRIORITY OF HAIL INDEMNITY TAX LIEN AND  
CANCELLATION OF HAIL TAXES

## AN ACT

Amending and reenacting section 26-2235 of the North Dakota Revised Code of 1943, relating to priority of hail indemnity tax lien and cancellation of hail taxes.

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

§ 1. AMENDMENT.) That section 26-2235 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

§ 26-2235. PRIORITY OF HAIL INDEMNITY TAX LIEN.) The lien of the hail indemnity tax shall be prior and superior to all mortgages, contracts for deeds, liens, and judgments. This provision shall be legal notice that the hail indemnity taxes levied subsequent to March 7, 1933, are prior and superior to all mortgages, contracts for sale of real estate, liens, and judgments executed or otherwise coming into existence subsequent to March 7, 1933. The commissioner of insurance may cancel all 1932 and prior indemnity taxes, and 1927 prior flat taxes of record in the various counties in the state that are deemed uncollectable. All taxes cancelled under this provision shall be charged to the reserves for uncollectable hail taxes already set up on the department's records.

Approved March 5, 1951.

## CHAPTER 193

H. B. No. 658  
Erickson, Lindberg (Burke-Divide)

NOTICE OF HAIL LOSS; FILING; ADJUSTMENT; COSTS  
WHEN NOTICE FILED LATE

## AN ACT

To amend and reenact section 26-2244 of the North Dakota Revised Code of 1943 relating to notice of hail loss; when and where filed; contents; adjustment ordered; costs when notice filed late.

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

§ 1. AMENDMENT.) That section 26-2244 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2244. NOTICE OF LOSS: WHEN AND WHERE FILED; CONTENTS; ADJUSTMENT ORDERED; COSTS WHEN NOTICE FILED LATE.) Any person claiming a loss by hail upon crops which are insured under this chapter shall notify the commissioner of insurance by registered mail within three days after the loss has been sustained. Such notice shall show:

1. The legal description of the land upon which the loss is claimed;
2. The interest in the damaged crop which is claimed by the person giving notice of loss;
3. The name and post office address of the person who is liable for the tax upon the land upon which the loss is sustained;
4. The name and post office address of any other person claiming any interest in the damaged crop or in the hail indemnity thereon;
5. The date of the loss; and
6. The estimated percentage of damage claimed.

The commissioner, as soon as possible after receiving such notice of loss, shall direct an official adjuster to visit the place of loss for the purpose of estimating and adjusting the same. The commissioner may extend for a reasonable period the time for reporting a hail loss to the department, upon the showing of an excuse for the failure to file within the time herein specified which is satisfactory to the commissioner. If the notice of loss

is not given within three days after the loss has been sustained, the commissioner may grant an adjustment, and if such adjustment is granted, the cost of the adjustment, in the discretion of the commissioner, may be charged against the claimant or deducted from any indemnity allowed for the loss. If such costs are so charged or deducted, the amount thereof shall accrue to the hail insurance fund.

Approved March 5, 1951.

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## CHAPTER 194

H. B. No. 702  
(Lindberg, Burke-Divide)  
(by request)

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### EXPENSE FUNDS, BENEVOLENT SOCIETIES

#### AN ACT

To amend and reenact section 26-2519 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to expense funds of benevolent societies.

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

§ 1. AMENDMENT.) Section 26-2519 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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 two dollars in any one calendar year.

Approved March 6, 1951.

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**JUDICIAL BRANCH OF GOVERNMENT**

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**CHAPTER 195**

H. B. No. 797  
(Judiciary Committee)

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**ASSIGNMENT OF DISTRICT COURT JUDGES TO OTHER DISTRICTS****AN ACT**

To amend and reenact section 27-0225 and subsection 3 of section 27-0522 of the North Dakota Revised Code of 1943, relating to assignment of district court judges to other districts; and declaring an emergency.

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

§ 1. AMENDMENT.) Section 27-0225 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0225. SUPREME COURT MAY CALL SPECIAL TERMS FOR DISTRICT COURTS; COURT MAY DESIGNATE JUDGE TO PRESIDE.) The supreme court, whenever in its judgment the ends of justice require, may:

1. Order a special term of the district court to be called in any county in this state and may designate any one of the district judges in this state to call and preside at such term; and
2. Designate any district judge to serve in any other district of this state at such places and for such period as the supreme court shall in its order direct, and the district judge so designated shall have all the powers and authority in the district to which he shall be assigned as are possessed by the district judges in such district, subject to such restrictions as may be prescribed by the order of assignment by the supreme court.

§ 2. AMENDMENT.) Subsection 3 of section 27-0522 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. When designated by the supreme court to perform duties in another district as authorized by section 27-0225; or

§ 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 196

S. B. No. 98  
(Day, Knudson, Shure and Duffy)

## SALARIES OF JUDGES OF SUPREME AND DISTRICT COURTS

## AN ACT

To amend and reenact sections 27-0202 and 27-0503 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to salaries of judges of the supreme court and district courts.

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

§ 1. AMENDMENT.) Section 27-0202 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0202. SALARIES OF JUDGES OF SUPREME COURT.) Each judge of the supreme court shall receive an annual salary of seven thousand five hundred dollars.

§ 2. AMENDMENT.) Section 27-0503 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0503. SALARIES AND EXPENSES OF DISTRICT JUDGES.) Each district judge of this state shall receive an annual salary of six thousand dollars and his actual traveling expenses, which shall include subsistence while holding court inside his own district but outside the county in which he resides. Such salary and expenses shall be payable monthly in the manner provided by law.

Approved February 27, 1951.

## CHAPTER 197

S. B. No. 65  
(Legislative Research Committee)

## COURT REPORTERS, SALARY AND EXPENSE

## AN ACT

To amend and reenact section 27-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to salaries and expenses of district court reporters.

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

§ 1. AMENDMENT.) Section 27-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0602. SALARY AND EXPENSE OF COURT REPORTERS.) Each court reporter shall receive a salary of four 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 four dollars per day for meals, and in addition thereto actual lodging expenses not to exceed four dollars per day, and actual transportation expenses. Such sums shall be paid monthly by the county wherein such court reporter is attending to such official duties, when approved by the board of county commissioners, upon itemized statements submitted by him and supported by sub-vouchers or receipts as provided by section 21-0501. Claims for actual transportation expense shall not exceed the amounts provided by section 54-0609 and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, and verified by affidavit. No claim for actual living expenses or actual transportation expenses shall be approved for payment to a court reporter by the board of county commissioners unless such claim shall have been first approved by the district judge.

Approved February 27, 1951.

## CHAPTER 198

H. B. No. 544  
(Legislative Research Committee)

## BAILIFFS OF DISTRICT COURTS; APPOINTMENT; SALARY

## AN ACT

To amend and reenact section 27-0609 of the North Dakota Revised Code of 1943, relating to bailiffs of district courts.

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

§ 1. AMENDMENT.) Section 27-0609 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0609. BAILIFFS OF DISTRICT COURTS: APPOINTMENT; SALARY.) The district court at each term thereof shall appoint a sufficient number of competent bailiffs to wait on the jury and the court during the term. Such bailiffs shall be allowed for their services six dollars per day to be paid by the county.

Approved January 31, 1951.

## CHAPTER 199

H. B. No. 673  
(Rhode)

## COMPENSATION OF JUVENILE COMMISSIONERS

## AN ACT

To amend and reenact section 27-1603 of the North Dakota Revised Code of 1943 relating to compensation of juvenile Commissioners; and declaring an emergency.

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

§ 1.) Section 27-1603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1603. JUVENILE COMMISSIONERS: COMPENSATION.) Each juvenile commissioner shall receive as full compensation for his services such amount as may be fixed and approved by one of the judges of the judicial district, either upon a per diem basis for

the time actually and necessarily employed in the duties of his office, or upon a salary basis. In no event, however, shall the amount paid exceed the monthly salary of the county auditor of the county in which the office of juvenile commissioner is maintained or more than ten dollars per day, if paid on a per diem basis. Such commissioner shall be paid mileage and expenses for trips made for investigation or to conduct hearings within the judicial district and away from the place where such commissioner maintains his office. Mileage shall be at the rate fixed by law for county officials. The salary or per diem and expenses shall be paid by the county or shall be equitably apportioned among the several counties of the judicial district by the judge or judges thereof. Such compensation shall be paid monthly by the county treasurers of such counties respectively, on bills duly made out and verified as other bills and accounts against the county are made out and verified, and upon the order of the judges of the judicial district. In a judicial district having not less than two cities with a population in excess of twenty thousand each, as determined by the last federal census, the judges of said judicial district may provide for the employment of a reporter or assistant at a monthly compensation to be fixed and approved by the judges of such judicial district, and not to exceed two hundred dollars per month.

§ 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 6, 1951.

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## CHAPTER 200

S. B. No. 119

(Day, Duffy, Page and Shure)

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### RETIREMENT ASSESSMENTS, SUPREME COURT AND DISTRICT COURT JUDGES; DUTIES OF DISTRICT JUDGES

#### AN ACT

To amend and reenact sections 2 and 3 of chapter 206 of the 1949 Session Laws of the state of North Dakota, pertaining to the retirement of supreme court and district court judges, and declaring an emergency.

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

§ 1. AMENDMENT.) Sections 2 and 3 of chapter 206 of the

1949 Session Laws of the state of North Dakota are hereby amended and reenacted to read as follows:

§ 2. RETENTION OF ASSESSMENTS FROM JUDGES' SALARIES; WITHDRAWAL OF SUMS SO RETAINED.) Every judge of the supreme court and of the district court shall, from the effective date of this act, pay an assessment of five per cent of his salary into the general fund of the state, which said assessment shall be deducted from the salary of such judge and be retained by the state of North Dakota.

Any judge of the supreme court or of any of the district courts of the state of North Dakota, who shall be retired from office, without becoming eligible for retirement pay under the provisions of this act, within one year of such retirement from office, upon making written application therefor, shall be entitled to payment of the amount which has been so deducted and withheld and retained by the state as herein provided, without interest.

If any former judge, after having withdrawn such amount so paid and retained, while holding office as such judge of the supreme court or district court, shall thereafter become a judge of the supreme court or of a district court of this state, he shall return to the fund within one year after becoming such supreme court or district court judge the amount withdrawn by him, with simple interest at the rate of four percent from the time of such withdrawal.

If any judge of the supreme court or district court shall die before retirement as provided for in this act, his administrator or executor shall be entitled to apply for and receive payment of the amount so deducted and retained by the state, which claim shall be made within one year after the death of such judge shall be filed with the state auditor of the state of North Dakota.

When a judge of the supreme court or a judge of the district court has applied for and received retirement pay under the provisions of this act or any other provisions of the laws of this state providing for retirement pay, or has applied for and been retired because of permanent disability to perform the judicial duties of his office during the remainder of the term for which he shall have been elected and whose application has been granted, and who has received retirement pay by reason of such application, shall be deemed to have waived the right to apply for or receive any portion of the amount so deducted and withheld and in case of his death the same shall apply to his executor or administrator.

Any judge who shall have served a combined total of eighteen years as a district and supreme court judge, shall be eligible for retirement under the provisions of this act and shall receive the re-retirement salary hereinafter provided for.

A judge of the district court or of the supreme court who shall have served as such a combined total of eighteen years upon application for retirement shall be entitled to retirement pay under the provisions of this act upon reaching the age of seventy years provided that during the period interim his retirement and the time he reaches the age of seventy years he shall pay to the state of North Dakota each year an amount equal to five per cent of the salary which he was receiving at the time of his retirement.

§ 3. DUTIES OF RETIRED JUDGES ) Upon the retirement of a judge of the supreme court or a judge of the district court, the supreme court may appoint him a commissioner of that court to aid and assist the court in the performance of such duties as may be assigned to him with his consent.

Any such retired judge shall also be eligible to serve as a referee in any civil case or other judicial proceeding when so designated by the court having power to appoint referees; he may also, when requested, serve as legal counsel in the office of the attorney general, in any executive department, commission or bureau of the state and for any committee of the legislative assembly.

§ 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 5, 1951.

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## JUDICIAL PROCEDURE, CIVIL

### CHAPTER 201

S. B. No. 151

(Knudson, Spiekermeier, Kusler and Haag)

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#### DEFENSE COUNSEL FOR LAW ENFORCEMENT OFFICERS

##### AN ACT

Relating to the defense of public peace officers.

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

§ 1. STATE AND OTHER POLITICAL SUBDIVISIONS TO FURNISH COUNSEL TO DEFEND LAW ENFORCEMENT OFFICERS.) The state or any political subdivision of the state may furnish legal counsel to defend any law enforcement officer in any action brought against such officer to recover damages arising out of any act of such officer in good faith and in the performance of his official duties.

Approved February 28, 1951.

## CHAPTER 202

S. B. No. 42  
(Legislative Research Committee)

SERVICE OF PROCESS ON RESIDENT AND NON-RESIDENT  
MOTOR VEHICLE USERS

AN ACT

To amend and reenact sections 28-0611 and 28-0613 of the North Dakota Revised Code of 1943, relating to service of process on resident and non-resident motor vehicle users.

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

§ 1. AMENDMENT.) Section 28-0611 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-0611. NONRESIDENT MOTOR VEHICLE USER; SERVICE UPON.) The use and operation by a resident of this state or his agent, or by a non-resident or his agent, of a motor vehicle upon or over the highways of this state shall be deemed an appointment by such resident when he has been absent from this state continuously for six months or more following an accident or by such nonresident at any time, of the highway commissioner of this state to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him growing out of such use or operation of the motor vehicle resulting in damages or loss to person or property, and such use or operation shall constitute an agreement that any such process in any action against him which is so served shall have the same legal force and effect as if served upon him personally. Service of the summons in such case may be made by delivering a copy thereof to the highway commissioner together with a fee of two dollars.

§ 2. AMENDMENT.) Section 28-0613 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-0613. COMMISSIONER TO KEEP RECORD OF PROCESS RECEIVED FOR NONRESIDENT MOTOR VEHICLE USERS.) The highway commissioner shall keep a record of all process served upon him under the provisions of section 28-0611. Such record shall show the day and hour of service. If any defendant served under 28-0611 has made proof of financial responsibility by filing a certificate of insurance coverage, as provided in section 39-1618 of the 1949 Supplement, the commissioner shall mail a copy of such summons and complaint to the insurance carrier named in such certificate.

Approved February 9, 1951.

## CHAPTER 203

S. B. No. 51  
(Legislative Research Committee)

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REPEAL EXCUSING OF JURORS IN CIVIL AND  
CRIMINAL CASES

## AN ACT

To repeal sections 28-1307 and 29-1518 of the North Dakota Revised Code of 1943, relating to the excusing of jurors.

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

§1. REPEAL.) Sections 28-1307 and 29-1518 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved February 9, 1951.

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CHAPTER 204

S. B. No. 77  
(Day and Duffy)

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MOTION FOR DIRECTED VERDICT AND JUDGMENT NOTWITH-  
STANDING THE VERDICT OR JUDGMENT IN ACCORDANCE  
WITH THE MOTION FOR A DIRECTED VERDICT AND  
ORDERS SEPARATELY REVISABLE ON APPEAL

## AN ACT

To amend and reenact sections 28-1509 and 28-1510 of the North Dakota Revised Code of 1943, as amended by chapter 220 of the Session Laws of 1945, and section 28-1511 of the North Dakota Revised Code of 1943, relating to motions for directed verdict, judgment notwithstanding the verdict, or judgment in accordance with the motion for a directed verdict and appeals from orders denying such motions.

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

§ 1. AMENDMENT.) Sections 28-1509 and 28-1516 of the North Dakota Revised Code of 1943 as amended by chapter 220 of the Session Laws of 1945 are hereby amended and reenacted to read as follows:

28-1509. MOTION FOR DIRECTED 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.

28-1510. MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT OR FOR JUDGMENT IN ACCORDANCE WITH MOTION FOR DIRECTED VERDICT.) In denying a motion for a directed verdict the court shall be deemed to have submitted the action to the jury subject to a later determination of the questions of law raised by the motion. Within ten days after the reception of a verdict, a party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment notwithstanding the verdict entered in accordance with his motion for a directed verdict, or if a verdict was not returned such party, within ten days after the jury has been discharged, may move for judgment in accordance with his motion for a directed verdict. The motion for judgment notwithstanding the verdict may be joined with an alternative motion for a new trial. If a verdict was returned, the court may allow the judgment to stand or may reopen the judgment as if the requested verdict had been directed. If no verdict was returned, the court may direct the entry of judgment as if the requested verdict had been directed or may order a new trial.

§ 2. AMENDMENT.) Section 28-1511 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-1511. ORDERS SEPARATELY REVIEWABLE ON APPEAL.) 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, first made in the trial court, may review the ruling on the motion for a directed verdict on appeal from the judgment, and may order judgment to be entered when it appears from the testimony that a verdict should have been so directed. It also may so order on appeal from an order denying a motion for judgment notwithstanding the verdict, or on appeal from an order denying a motion for judgment in accordance with the motion for a directed verdict if no verdict was returned. On appeal from an order made upon a motion in the alternative for judgment notwithstanding the verdict or for a new trial the court shall review the whole order and may reverse, affirm, or modify the order as to any and all parties.

Approved February 9, 1951.

## CHAPTER 205

H. B. No. 671  
(Smart and Stormon of Rolette)

## DOCKETING JUDGMENTS OF U. S. COURTS; EFFECT

## AN ACT

To amend and reenact section 28-2018 of the North Dakota Revised Code of 1943 providing for docketing of judgments of United States Courts and the effect of such docketing, and declaring an emergency.

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

§ 1. AMENDMENT.) That section 28-2018 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

28-2018. DOCKETING JUDGMENTS OF UNITED STATES COURTS: EFFECT.) A transcript of the docket entry of any judgment or decree rendered in any district court of the United States within this state, duly certified by the clerk thereof, may be filed with the clerk of the district court of any county in this state, and the same shall be docketed immediately by said clerk in the same manner in which judgments rendered in the district courts of this state are docketed. From the date of such docketing, and not before, such judgment or decree shall be a lien upon all the real estate of the judgment debtor not exempt from execution, owned by him or the title to which he subsequently may acquire in the county where such judgment is docketed, in the same manner and to the same extent and under the same conditions only as if such judgment or decree had been rendered by a district court of this state.

§ 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 7, 1951.

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**JUDICIAL PROCEDURE, CRIMINAL**

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**CHAPTER 206**

S. B. No. 164  
(Dewing, Haag and Wahlund)  
(by request)

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**STATEMENTS, ADMISSIONS OR CONFESSIONS PROCURED BY  
DURESS, FRAUD OR PROMISES INADMISSABLE IN EVIDENCE****AN ACT**

Providing statements, admissions or confessions procured by duress, fraud, threat or promises shall be inadmissible in evidence in criminal proceedings.

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

§ 1.) STATEMENTS, ADMISSIONS, OR CONFESSIONS PROCURED BY DURESS, FRAUD, THREAT OR PROMISES INADMISSABLE IN ANY CRIMINAL ACTION.) Any statement, admission, or confession procured from any person charged with crime in a state court, which was obtained by duress, fraud, threat, or promises, shall not be admissible in evidence against said person in any criminal action.

Approved March 5, 1951.

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**CHAPTER 207**

S. B. No. 76  
(Day and Duffy)

**TIME OF MOTIONS FOR NEW TRIAL IN CRIMINAL CASES;  
REPEAL****AN ACT**

To repeal section 29-2406 of the North Dakota Revised Code of 1943, relating to time of motions for new trial in criminal cases.

*Pe It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. REPEAL.) Section 29-2406 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 9, 1951.

**JUDICIAL PROCEDURE, PROBATE**

CHAPTER 203

S. B. No. 211  
(Day, Duffy, Knudson and Shure)

CITATION OR NOTICE IN COUNTY COURT; FORM AND CONTENTS

AN ACT

To amend and reenact section 30-0208 of the North Dakota Revised Code of 1943, relating to contents and form of citations in probate proceedings.

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

§ 1. AMENDMENT.) Section 30-0208 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-0208. CONTENTS AND FORM OF CITATION OR NOTICE.) A citation or notice in county court shall be issued substantially in the following form:

STATE OF NORTH DAKOTA )  
 )ss IN COUNTY COURT  
County of .....

IN THE MATTER OF THE ESTATE OF.....  
..... Deceased; (or in the matter of the guardianship of  
..... a minor,  
or an incompetent person, as the case may be.)  
..... Petitioner

VS NOTICE OF HEARING PETITION

FOR.....  
..... Respondents

THE STATE OF NORTH DAKOTA TO THE ABOVE  
NAMED RESPONDENTS:

You and each of you are hereby notified that a petition has been filed in this court for (here give nature of petition and other matter necessary to inform parties interested of the nature of the proceedings); that said petition will be heard at the office of the county judge at the courthouse in the..... of

..... in the county of  
 ..... and state of North Dakota, on the .....  
 day of ..... A. D. 19..... at the hour of  
 ..... o'clock ..... M. of that day, or at such subsequent  
 time or other place to which said hearing may be adjourned or  
 transferred, at which time and place you may be heard if you wish.

Let service of this notice be made as required by law.

Dated this ..... day of .....  
 A. D. 19.....

By the court

.....  
 Judge of the county court

SEAL OF COURT

Approved March 8, 1951.

CHAPTER 209

H. B. No. 582  
 (Legislative Research Committee)

COMPENSATION OF EXECUTORS AND ADMINISTRATORS

AN ACT

To amend and reenact section 30-2004 of the North Dakota Revised Code of 1943, relating to the compensation of administrators and executors in the probate of estates.

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

§ 1. AMENDMENT.) Section 30-2004 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2004. COMPENSATION PROVIDED IN WILL; NOT PROVIDED IN WILL; COMMISSIONS ALLOWED.) An executor or administrator shall receive compensation for the services performed by him in caring for, managing, and settling the estate as follows:

1. If provision for compensation of the executor is made in a will by the testator, the amount provided shall be full compensation for his services unless by a written instrument filed in the county court the executor renounces all claim to such compensation as is provided by the will.
2. If no compensation is provided by the will, or if the executor renounces all claim thereto, an executor shall receive the same commissions on the whole estate as are allowed to an administrator.

3. An administrator shall receive for his services as such the following commissions on the whole estate accounted for by him, excluding all property not ranked as assets:
  - a. Five percent of the first one thousand dollars;
  - b. Three percent of the next five thousand dollars;
  - c. Two percent of the estate in excess of six thousand dollars up to fifty thousand dollars;
  - d. On all of the estate in excess of fifty thousand dollars, the administrator shall be allowed such compensation as the court shall deem just and reasonable, but in no event shall it be in excess of two percent.
4. The court, for any extraordinary services, may make such extra allowances as may be deemed just and reasonable, but the total amount of such extra allowance shall not exceed the amount of commissions prescribed by this section.

Approved February 8, 1951.

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## CHAPTER 210

H. B. No. 738  
(Holand)

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### DISTRIBUTION AND CARE OF INTERESTS IN ESTATES OF NON-RESIDENT HEIR WITHOUT AGENT IN STATE, A DECEASED PERSON HAVING NO PERSONAL REPRESENTATIVE, A MISSING PERSON OR ONE REFUSING TO ACCEPT DISTRIBUTION

#### AN ACT

To amend and reenact section 30-2137 of the North Dakota Revised Code of 1943 relating to the distribution and care of an interest in estate ready for distribution where the person entitled thereto resides out of state and has no agent in state, is deceased and has no personal representative or other person to whom distribution could be made, cannot be found, or refuses to accept the same.

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

§ 1. AMENDMENT.) Section 30-2137 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2137. DISTRIBUTION AND CARE OF INTERESTS IN ESTATES IN CASES WHERE PERSON ENTITLED THERETO IS NONRESIDENT

HAVING NO AGENT IN STATE, A DECEASED PERSON HAVING NO PERSONAL REPRESENTATIVE, A MISSING PERSON OR A PERSON REFUSING DISTRIBUTION.) When any estate is ready for distribution and it appears that:

1. A person residing out of and having no agent in this state has an interest therein; or
2. One having an interest in such estate has died and there is no personal representative nor other person to whom lawful distribution of such interest can be made; or
3. Any interest cannot be distributed because the person entitled thereto cannot be found or refuses to accept the same; and
4. It is necessary that possession and charge of such interest be taken for the benefit of such person or such estate, and that distribution be made,

the county court may direct the personal representative to distribute such interest to the public administrator, who shall give the personal representative a receipt for said interest which shall be filed with the court and who shall take possession and charge of such interest for the benefit of such person in the distribution of said estate, or the county court may take possession and charge of such interest for the benefit of such person in the distribution of said estate.

Approved March 6, 1951.

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## CHAPTER 211

H. B. No. 739  
(Holand)

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### DISTRIBUTION OF INTERESTS AND ESTATES TO MINORS OR INCOMPETENTS

#### AN ACT

To amend and reenact section 30-2138 of the North Dakota Revised Code of 1943, relating to the distribution of interests and estates to minors or incompetent persons in probate proceedings.

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

§ 1. AMENDMENT.) Section 30-2138 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2138. DISTRIBUTION TO A MINOR OR INCOMPETENT PERSON.) Where the estate is ready for distribution and it appears that a minor or incompetent person who has no general guardian has an interest therein and the value of such interest does not exceed five hundred dollars and no part thereof consists of real property, the county court may authorize the distribution of such interest to the public administrator or to some other suitable person for the benefit of such minor or incompetent person upon such terms and conditions as said court may prescribe and may deposit the funds which are the whole or a part of such interest in a bank or building and loan association for the benefit of such minor or incompetent person, without the appointment of a guardian for such minor or incompetent person, subject to withdrawal only upon order of the county court.

Approved March 6, 1951.

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CHAPTER 212

H. B. No. 616  
(Fristad and Wahl)

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GUARDIANSHIP OF INCOMPETENT VETERANS, ETC.;  
UNIFORM ACT

AN ACT

To amend and reenact sections 30-2301, 30-2302, 30-2303, 30-2305, 30-2306, 30-2309, 30-2310, 30-2311, 30-2312, 30-2314, 30-2315 and 30-2317 of the North Dakota Revised Code of 1943, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the veterans administration, and to make uniform the law with reference thereto, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 30-2301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2301. DEFINITIONS.) As used in this chapter

1. "Administration" means the veterans' administration, its predecessors or successors; heirs of the United States or his successor;
2. "Administrator" means the administrator of veterans' affairs;
3. "Income" means moneys received from the veterans ad-

ministration and revenue or profit from any property wholly or partially acquired therewith;

4. "Estate" means income on hand and assets acquired partially or wholly with income;
5. "Benefits" means all moneys paid or payable by the United States through the veterans administration;
6. "Guardian" means any fiduciary for the person or estate of a ward;
7. "Ward" means a beneficiary of the veterans administration; and
8. "Person" means an individual, a partnership, a corporation, or an association.

§ 2. ADMINISTRATOR AS PARTY IN INTEREST; NOTICE OF HEARING TO BE GIVEN CHIEF ATTORNEY.) The administrator shall be a party in interest in any proceeding for the appointment or removal of a guardian or for the removal of the disability of minority or mental incapacity of a ward, and in any suit or other proceeding affecting in any manner the administration by the guardian of the estate of any present or former ward whose estate includes assets derived in whole or in part from benefits heretofore or hereafter paid by the veterans administration. Not less than fifteen days prior to hearing in such matter notice in writing of the time and place thereof shall be given by mail, unless waived in writing, to the office of the chief attorney, veterans administration center, Fargo, North Dakota.

§ 3. AMENDMENT.) Section 30-2302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2302. GUARDIAN TO BE APPOINTED FOR WARD, WHEN.) Whenever, pursuant to any law of the United States or regulation of the veterans administration it is necessary, prior to payment of benefits, that a guardian be appointed, the appointment may be made as is provided in this chapter.

§ 4. AMENDMENT.) Section 30-2303 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2303. GUARDIANS APPOINTED UNDER CHAPTER; LIMITATIONS ON NUMBER OF WARDS.) No person other than a bank or trust company shall be guardian of more than five wards at one time unless all the wards are members of one family.

§ 5. AMENDMENT.) Section 30-2305 of the North Dakota

Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2305. PETITION FOR APPOINTMENT OF GUARDIAN; FILED BY WHOM.) A petition for the appointment of a guardian may be filed by any relative or friend of the ward or by any person who is authorized by law to file such a petition. If there is no person so authorized or if the person so authorized refuses or fails to file such a petition within thirty days after the mailing of notice by the veterans administration to the last known address of the person, if any, indicating the necessity for a guardian, a petition for appointment may be filed by any resident of this state.

§ 6. AMENDMENT.) Section 30-2306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2306. CONTENTS OF PETITION FOR GUARDIANSHIP.) The petition for appointment of a guardian under the provisions of this chapter shall set forth:

1. The name, age, and place of residence of the ward;
2. The name and place of residence of his nearest relative, if known;
3. The fact that such ward is entitled to receive benefits payable by or through the veterans administration;
4. The amount of moneys then due and the amount of probable future payments;
5. The name and address of the person or institution, if any, having actual custody of the ward;
6. The name, age, relationship, if any, occupation and address of the proposed guardian and if the nominee is a natural person, the number of wards for whom the nominee is presently acting as guardian; and
7. In the case of a mentally incompetent ward, that such ward has been rated incompetent by the veterans administration on examination in accordance with the laws and regulations governing the veterans administration.

Notwithstanding any law as to priority of persons entitled to appointment or the nomination in the petition, the court may appoint some other individual or a bank or trust company as guardian, if the court determines it is for the best interest of the ward.

§ 7. AMENDMENT.) Section 30-2309 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2309. COURT TO GIVE NOTICE UPON RECEIPT OF PETITION FOR APPOINTMENT OF GUARDIAN.) Upon the filing of a petition for the appointment of a guardian under the provisions of this chapter, notice shall be given to the ward, to such other persons, and in such manner as is provided by the general law of this state, and also to the veterans administration as provided by this chapter.

§ 8. AMENDMENT.) Section 30-2310 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2310. BOND REQUIRED; AMOUNT OF BOND; BOND WITH PERSONAL SURETIES.) Upon the appointment of a guardian, he shall execute and file a bond to be approved by the court in an amount not less than the estimated value of the personal estate and anticipated income of the ward during the ensuing year. The bond shall be in the form and be conditioned as required of guardians appointed under the general guardianship laws of this state. The court, from time to time, may require the guardian to file an additional bond. Where a bond is tendered by a guardian with personal sureties, there shall be at least two such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and shall state that each is worth the sum named in the bond as the penalty thereof over and above all his debts and liabilities and the aggregate of other bonds on which he is principal or surety and exclusive of property except from execution. The court may require additional security or may require a corporate surety bond, the premium thereon to be paid from the ward's estate. 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.

§ 9. AMENDMENT.) Section 30-2311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2311. GUARDIAN TO FILE ANNUAL ACCOUNTS AND CERTIFICATES WITH COURT; CONTENTS; GUARDIAN TO FURNISH VETERANS ADMINISTRATION WITH COPIES OF ACCOUNTS, CERTIFICATES, PETITIONS AND OTHER PLEADINGS; HEARING ON ACCOUNTS, PETITIONS; NOTICE OF HEARING; ACCOUNTING FOR PROPERTY DERIVED FROM PRIVATE SOURCES.) Every guardian who has received or shall receive on account of his ward any moneys or other thing of value from the veterans administration shall file with the county court annually, on the anniversary date of his appointment, in addition

to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys or other things of value so received by him, all earnings, interest or profits derived therefrom and all property acquired therewith and of all disbursements therefrom, and showing the balance thereof in his hands at the date of the account and how invested. The guardian, at the time of filing any account, shall exhibit all securities or investments held by him to an officer of the bank or other depository wherein said securities or investments are held for safekeeping or to an authorized representative of the corporation which is surety on his bond, or to the judge or clerk of a court of record in this state, or, upon request of the guardian or other interested party, to any other reputable person designated by the county court, who shall certify in writing that he has examined the securities or investments and identified them with those described in the account, and shall note any omissions or discrepancies. If the depository is the guardian, the certifying officer shall not be the officer verifying the account. The guardian may exhibit the securities or investments to the judge of the county court, who shall endorse on the account and copy thereof a certificate that the securities or investments shown therein as held by the guardian were each in fact exhibited to him and that those exhibited to him were the same as those shown in the account, and noting any omission or discrepancy. That certificate and the certificate of an official of the bank in which are deposited any funds for which the guardian is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the guardian with his account.

At the time of filing in the court any account, a certified copy thereof and a signed duplicate of each certificate filed with the court shall be sent by the guardian to the office of the chief attorney, veterans administration center, Fargo, North Dakota. A signed duplicate or a certified copy of any petition, motion or other pleading pertaining to an account or to any matter other than an account and which is filed in the guardianship proceedings or in any proceeding for the purpose of removing the disability of minority or mental incapacity, shall be furnished by the person filing the same to the said office of the veterans administration. Unless hearing be waived in writing by the attorney of the veterans administration and by all other persons, if any, entitled to notice, the court shall fix a time and place for the hearing on the account, petition, motion or other pleading not less than fifteen days nor more than thirty days from the date same is filed, unless a different available date be stipulated in writing. Unless waived in writing, written notice of the time and place of hearing shall be given to the said veterans administration office and the guardian and any others entitled to notice

not less than fifteen days prior to the date fixed for the hearing. The notice may be given by mail in which event it shall be deposited in the mails not less than fifteen days prior to said date. The court, or clerk thereof, shall mail to said veterans administration office a copy of each order entered in any guardianship proceeding wherein the administrator is an interested party. If the guardian is accountable for property derived from sources other than the veterans administration, he shall be accountable as is or may be required under the applicable laws of this state pertaining to the property of minors or persons of unsound mind who are not beneficiaries of the veterans administration, and as to such other property shall be entitled to the compensation provided by such law. The account for other property may be combined with the account filed in accordance with this section.

§ 10. AMENDMENT.) Section 30-2312 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2312. FAILURE OF GUARDIAN TO FILE ACCOUNTS MAY BE GROUND FOR REMOVAL.) If any guardian shall fail to file with the court any account as required by this chapter or by an order of the county court, when any account is due or within thirty days after citation issues as provided by law, or shall fail to furnish the veterans administration a true copy of any account, certificate, petition or pleading as required by this chapter, such failure may in the discretion of the court be ground for his removal.

§ 11. AMENDMENT.) Section 30-2314 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2314. INVESTMENT OF FUNDS OF ESTATE BY GUARDIAN: REGULATIONS GOVERNING.) Every guardian shall invest the surplus funds of his ward's estate in such securities or property as authorized under the laws of this state but only upon prior order of the court, except that the funds may be invested, without prior court authorization, in direct unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States. A signed duplicate or certified copy of the petition for authority to invest shall be furnished the veterans administration and notice of hearing thereon shall be given said office as provided in section 30-2311.

§ 12. AMENDMENT.) Section 30-2315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2315. GUARDIAN NOT TO APPLY WARD'S ESTATE TO MAINTENANCE AND SUPPORT OF ANOTHER; EXCEPTION; NOTICE.) A

guardian shall not apply any portion of the income or the estate for the support or maintenance of any person other than the ward, the spouse and the minor children of the ward, except upon petition to and prior order of the county court after a hearing. A signed duplicate or certified copy of the petition shall be furnished the veterans administration and notice of hearing thereon shall be given said office in the manner provided in section 30-2311.

§ 13. PURCHASE OF HOME FOR WARD; REGULATIONS GOVERNING.) The county court may authorize the purchase of the entire fee simple title to real estate in this state in which the guardian has no interest, but only as a home for the ward or to protect his interest or, if he is not a minor, as a home for his dependent family. Such purchase of real estate shall not be made except upon the entry of an order of the court after hearing upon verified petition. A signed duplicate or certified copy of the petition shall be furnished the veterans administration and notice of hearing thereon shall be given said office as provided in section 30-2311. Before authorizing such investment the court shall require written evidence of value and of title and of the advisability of acquiring such real estate. Title shall be taken in ward's name. This section does not limit the right of the guardian on behalf of his ward to bid and to become the purchaser of real estate at a sale thereof pursuant to decree of foreclosure of lien held by or for the ward, or at a trustee's sale, to protect the ward's right in the property so foreclosed or sold, nor does it limit the right of the guardian, if such be necessary to protect the ward's interest and upon prior order of the court in which the guardianship is pending, to agree with cotenants of the ward for a partition in kind, or to purchase from cotenants the entire undivided interests held by them, or to bid and purchase the same at a sale under a partition decree, or to compromise adverse claims of title to the ward's realty.

§ 14. AMENDMENT.) Section 30-2317 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2317. GUARDIAN MAY BE DISCHARGED, WHEN; RELEASE OF SURETIES.) In addition to any other provisions of law relating to judicial restoration and discharge of guardian, a certificate by the veterans administration showing that a minor ward has attained majority, or that an incompetent ward has been rated competent by the veterans administration upon examination in accordance with law shall be prima facie evidence that the ward has attained majority, or has recovered his competency. Upon hearing after notice as provided by this chapter and the determination by the court that the ward has attained majority or has re-

covered his competency, an order shall be entered to that effect and the guardian shall file a final account. Upon hearing after notice to the former ward and to the veterans administration as in the case of other accounts, upon approval of the final account and upon delivery to the ward of the assets due him from the guardian, the guardian shall be discharged and his sureties released.

§ 15. LIBERAL CONSTRUCTION.) This Act shall be so construed to make uniform the law of those states which enact it.

§ 16. SHORT TITLE.) This Act may be cited as the "uniform veterans' guardianship act".

§ 17. SEVERABILITY.) If any provision of this Act or 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.

§ 18. MODIFICATION OF PRIOR LAWS.) All acts or parts of acts relating to beneficiaries of the veterans administration inconsistent with this Act are hereby repealed. Except where inconsistent with this Act, the laws of this state relating to guardian and ward and the judicial practice relating thereto, including the right to trial by jury and the right of appeal, shall be applicable to such beneficiaries and their estates.

§ 19. APPLICATION OF ACT.) The provisions of this Act relating to surety bonds and the administration of estates of wards shall apply to all "income" and "estate" as defined in section 1 of this Act whether the guardian shall have been appointed under this Act or under any other law of this state, special or general, prior or subsequent to the enactment hereof.

§ 20. 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.

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**JUDICIAL PROOF**

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**CHAPTER 213**

**H. B. No. 589**  
**(Jansonius, Beede and Holand)**

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**WITNESSES IN CIVIL ACTIONS; WHERE COMPELLED TO  
ATTEND**

**AN ACT**

To amend and reenact subsection 1 of section 31-0113 of the North Dakota Revised Code of 1943, providing for places where persons may be compelled to attend as witnesses in civil matters, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 31-0113 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

31-0113. PLACES WHERE PERSONS MAY BE COMPELLED TO ATTEND AS WITNESSES IN CIVIL MATTERS.) A person shall be obliged to attend as a witness in a civil action or proceeding only:

1. In the district court of any of the judicial districts of the state of 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 January 31, 1951.

## CHAPTER 214

H. B. No. 546  
(Legislative Research Committee)

COMPENSATION AND MILEAGE OF WITNESS; COUNTY TO  
PAY FEES IN CRIMINAL CASES

AN ACT

To amend and reenact section 31-0116 of the North Dakota Revised Code of 1943, relating to compensation and mileage of witnesses.

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

§ 1. AMENDMENT.) Section 31-0116 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

31-0116. COMPENSATION AND MILEAGE OF WITNESS; COUNTY TO PAY FEES IN CRIMINAL ACTION.) A witness in a civil or criminal case is entitled to receive:

1. The sum of four dollars for each day's attendance before the district court or before any other court, board, or tribunal; and
2. The sum of ten cents for each mile actually travelled one way.

In all criminal cases such witness fees and mileage on the part of the state shall be paid out of the county treasury of the proper county.

Approved January 31, 1951.

## CHAPTER 215

S. B. No. 246  
(Day, Knudson and Duffy)

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ADMISSIBILITY OF HANDWRITING IN EVIDENCE  
FOR COMPARISON

## AN ACT

Providing for the admissibility in evidence of handwriting for purposes of comparison.

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

§ 1.) The handwriting of any person shall be competent evidence for the purpose of furnishing a standard of comparison, in all cases wherein the genuineness of a writing is questioned or the identity of the writer is sought to be established.

Approved March 5, 1951.

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CHAPTER 216

H. B. No. 534  
(Legislative Research Committee)

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PHOTOGRAPHIC COPIES OF BUSINESS AND PUBLIC RECORDS  
ADMISSIBLE IN EVIDENCE

## AN ACT

Authorizing the use of photographic copies of business and public records as evidence.

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

§ 1.) If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be

destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Approved January 31, 1951.

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## JUDICIAL REMEDIES

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### CHAPTER 217

H. B. No. 541

(Legislative Research Committee)

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#### FORECLOSURE OF REAL ESTATE MORTGAGES; DEFICIENCY JUDGMENTS; LIMITATION AN ACT

To amend and reenact sections 32-1904, 32-1906, and 32-1907 of the North Dakota Revised Code of 1943, relating to foreclosures of mortgages; providing for deficiency judgments but limiting them to an amount not exceeding the difference between the mortgage debt and the fair value of the mortgaged premises; and prohibiting other suits except for the difference between the mortgage debt and the fair value of the mortgaged premises, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 32-1904 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

32-1904. WHAT COMPLAINT SHALL STATE.) In an action for the foreclosure or satisfaction of a mortgage, the complaint shall state whether any proceedings have been had at law or otherwise for the recovery of the debt secured by such mortgage, or any part thereof, and if there have been, whether any and what part

thereof has been collected. The plaintiff shall also state in his complaint whether he will in a later and separate action demand judgment for any deficiency which may remain due to him after sale of the mortgaged premises against every party who is personally liable for the debt secured by the mortgage.

SECTION 2. AMENDMENT.) Section 32-1906 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

32-1906. WHAT JUDGMENT SHALL CONTAIN; DEFICIENCY JUDGMENTS AND OTHER SUITS PROHIBITED IN EXCESS OF AMOUNT BY WHICH DEBT EXCEEDS FAIR VALUE OF MORTGAGED PREMISES; DETERMINATION OF FAIR VALUE OF MORTGAGED REAL PROPERTY.) In any action for the foreclosure of a real estate mortgage or the cancellation or the foreclosure of a land contract, the court shall have the power to render judgment for the amount found to be due at the time of the rendition of said judgment, and the costs of the action, and to order and decree a sale of the premises in such mortgage or contract described, or such part thereof as may be sufficient to pay the amount adjudged to be due and the costs of the action. The court shall have power to order and compel delivery of the possession of the premises to the purchaser at such sale, but in no case shall the possession of the premises so sold be delivered until after the expiration of one year from such sale, and the court shall direct, and the judgment shall provide, that during such one year period the debtor or owner of the premises shall be entitled to the possession, rents, use, and benefit of the real property sold. The court under no circumstances shall have power to render a deficiency judgment for any sum whatever against the mortgagor or purchaser, or to the successor in interest of either, except as hereinafter provided. Where a note or other obligation and a mortgage upon real property have been given to secure a debt contracted subsequent to July 1, 1951, and the sale of the mortgaged premises has failed to satisfy in full the sum adjudged to be due and the costs of the action, the plaintiff may, in a separate action, ask for a deficiency judgment, if he has so indicated in his complaint, against the party or parties personally liable for that part of the debt and costs of the action remaining unsatisfied after the sale of the mortgaged premises. Such separate action for a deficiency judgment must be brought within ninety days after the sale of the mortgaged premises. The Court, in such separate action, may render a deficiency judgment against the party or parties personally liable, but such deficiency judgment shall not be in excess of the amount by which the sum adjudged to be due and the costs of the action exceed the fair value of the mortgaged premises. In case the mortgaged premises sell for less than the amount due and to become due on the mortgaged debt and costs of sale, there shall be no presumption that such

premises sold for their fair value. In all actions brought for a deficiency judgment and before any judgment can be rendered therein, the determination of the fair value of the mortgaged premises shall first be submitted to a jury at a regular term or to a jury empaneled for that purpose, and no deficiency judgment can be rendered against the party or parties personally liable unless the fair value of the mortgaged premises is determined by such jury to be less than the sum adjudged to be due and the costs of the action. Fifteen days notice of the time and place when or where such fair value of the mortgaged premises shall be so determined shall, in all cases, be given, as the court may direct, to the party or parties against whom personal judgment is sought. At such time and place such party or parties may offer evidence to show the fair value of the mortgaged premises even though they may not have otherwise appeared in the action for a deficiency judgment. Any deficiency judgment so obtained shall be enforced by execution as provided by law, except that no execution shall be enforced after three years from the date of the rendition of such deficiency judgment. The mortgagee or vendor or the successor in interest of either shall not be permitted or authorized either before or after the rendition of a judgment for the foreclosure of a real estate mortgage or the cancellation or the foreclosure of a land contract, if such mortgage or contract was made after July 1, 1951, to bring any action in any court in this state for the recovery of any part of the debt secured by the mortgage or contract so foreclosed or cancelled in excess of the amount by which such debt and the costs of the action exceed the fair value of the mortgaged premises. Such fair value shall be determined by a jury in the same manner as the fair value is determined in cases where a deficiency judgment is sought in an action to foreclose the mortgage and such judgment shall be enforced by execution as provided by law except that no such execution shall be enforced after three years after the date of the rendition of such judgment.

SECTION 3. AMENDMENT.) Section 32-1907 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

32-1907. OTHER SUITS PROHIBITED.) Neither before nor after the rendition of a judgment for the foreclosure of a real estate mortgage or for the cancellation or foreclosure of a land contract made between July 1, 1937 and July 1, 1951, shall the mortgagee or vendor, or the successor in interest or either, be authorized or permitted to bring any action in any court in this state for the recovery of any part of the debt secured by the mortgage or contract so foreclosed. It is the intent of this section that no deficiency judgment shall be rendered upon any note, mortgage, or contract given between July 1, 1937, and July 1, 1951, to secure the payment of money loaned upon real estate or to secure the

purchase price of real estate, and in case of default the holder of a real estate mortgage or land contract shall be entitled only to a foreclosure of the mortgage or the cancellation or foreclosure of the contract. Except as otherwise provided in sections 32-1904 and 32-1906, neither before nor after the rendition of a judgment for the foreclosure of a real estate mortgage or for the cancellation or foreclosure of a land contract made after July 1, 1951, shall the mortgagee or vendor, or the successor in interest of either, be authorized or permitted to bring any action in any court in this state for the recovery of any part of the debt secured by the mortgage or contract so foreclosed. It is the intent of this section that no deficiency judgment shall be rendered upon any note, mortgage, or contract given after July 1, 1951, to secure the payment of money loaned upon real estate or to secure the purchase price of real estate, and in case of default the holder of a real estate mortgage or land contract shall be entitled only to a foreclosure of the mortgage or the cancellation or foreclosure of the contract except as provided by sections 32-1904 and 32-1906.

§ 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 21, 1951.

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## LABOR AND EMPLOYMENT

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### CHAPTER 218

S. B. No. 124  
(Geelan and Blume)

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#### LIMITATION OF ACTION TO RECOVER OVERTIME OR PREMIUM PAY OR PENALTIES ON WAGES REQUIRED BY STATUTE

##### AN ACT

To amend and reenact section 34-0113 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to time limit for action to recover overtime or premium pay or penalties on wages required or authorized by any statute.

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

§ 1. AMENDMENT.) Section 34-0113 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

34-0113. ACTIONS UNDER FAIR LABOR STANDARDS ACT MUST BE BROUGHT WITHIN CERTAIN TIME.) 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 two years after the accrual of such cause of action, and all 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.

Approved February 28, 1951.

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## CHAPTER 219

H. B. No. 710  
(Holand, Langseth, Richland)

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### MEDIATION OF DISPUTES AND GRIEVANCES BETWEEN STATE AND SUBDIVISIONS OF GOVERNMENT AND THEIR EMPLOYEES; MEDIATION BOARDS, ETC.

#### AN ACT

To provide for the mediation of disputes and grievances between the state government as an employer and its employees and between subordinate units of government within the state and the employees thereof; to provide for the appointment of mediation boards with authority to issue subpoenas; to consider terms of settlement between the disputants; and to make recommendations for the bona fide consideration of the parties concerned.

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

§ 1.) No provisions of this Act shall be construed to mean that the state or any subordinate jurisdiction thereof or any board, commission or department within such public jurisdiction shall be compelled to accept the recommendations of a mediation board as binding nor shall any group of employees affiliated with a union or otherwise be compelled to abide by the recommendations of such mediation board; provided, however, that both parties to any dispute or grievance in the public employee field covered by this Act be required to proceed in good faith according to the terms hereof to create a mediation board and to cooperate fully with such board in attending hearings, supplying data concerning all matters in dispute, to answer questions and in all other particulars to respond in good faith and to cooperate fully with such board

in its attempt to settle the matter in dispute. Nor shall anything in this Act be construed to affect, limit, or impair the right of any public employee to express his views, to make complaint or give testimony concerning any grievance pertaining to public employment or to the betterment of his or her working conditions. Nor shall the provisions herein be construed to authorize any public employer covered by this Act to attempt to or deter any public employee working subject to his jurisdiction from affiliating with any union, association or other group of public employees nor shall a public employer refuse to consider grievances concerning employment problems with the representatives duly chosen by such union, association or affiliation of public employees.

§ 2.) Whenever a public employer or the employing head of a board, commission, or department in the state service or in the services of any subordinate jurisdiction or whenever any union, association or group of public employees of a public unit of government decides by vote of such group that a grievance or matter in dispute which has been considered between the employer and the employee cannot be settled amicably and without disruption of the public service it shall be the duty of the employer or the employees or both to request in writing of the chief executive officer of the unit of government, namely the governor in the state service, the chairman of the county board or commission in county services and the mayor or city manager of the city in city services, that it is the wish of one or both parties concerned in such dispute or grievance that the provisions of this Act be made use of by the designation of such officer of two members of a mediation board, one to be recognized as a representative of the employer in the public service and one to be a bona fide employee who is a member of the union, association or group of employees and who is interested in the point of view of such group of employees. The two persons so designated shall upon their appointment forthwith meet and agree upon a third person who shall be chairman of the mediation board.

§ 3.) It shall be the duty of such mediation board to hold public hearings to consider the matter in dispute or the grievance at any place in the state for state employee-employer disputes or grievances, at any place within the jurisdiction of the county in county disputes and within the limits of the city in a city dispute. Such board shall have the authority to subpoena witnesses, to compel their attendance, to administer oaths, to take testimony and received evidence and it shall possess the authority to discuss informally the matter of dispute or the grievance in the presence of both the employer or the employee or their representatives. Following the conclusion of such public hearings or such public considerations of the problem involved, such board shall within thirty days make determination of the issues involved in such dispute

or grievance, prepare recommendations thereon in writing and submit a signed copy to the governor in the case of a dispute in the state employee field, to the chairman of the county board or commission in the case of a county dispute and to the mayor or city manager in the case of a dispute in city service, and a signed copy to the employer and to the representative of the employees.

§ 4.) The employer and the employees concerned shall in good faith study the recommendations so prepared by the mediation board and if either party to the dispute or grievance after such consideration of the recommendations feels that for some reason it cannot accept the recommendation it shall notify the opposing party in writing and give reasons therefor. In such event either party to the dispute shall be entitled to ask the board of mediators for further consideration. Whenever further consideration is so requested both parties to the dispute shall be bound to respond a second time as hereinbefore provided and the mediation board shall be privileged to exercise all of the powers with which it is clothed.

§ 5.) The members of boards of mediation shall not receive compensation for their work but they shall be reimbursed for any actual or necessary expenses incurred in connection therewith, and the unit of government involved shall be obligated upon proper affidavit therefor to pay from the treasury actual costs including subpoena services and other expenses.

Approved March 10, 1951.

## **LIVESTOCK**

### CHAPTER 220

S. B. No. 72  
(Legislative Research Committee)  
at the request of  
The Livestock Sanitary Board and Board of  
Veterinary Medical Examiners

#### PRACTICE OF VETERINARY SCIENCE; QUALIFICATIONS

##### AN ACT

To amend and reenact section 36-0205 of the North Dakota Revised Code of 1943, relating to the practice of veterinary science.

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

§ 1. AMENDMENT.) Section 36-0205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0205. GRADUATION FROM RECOGNIZED SCHOOL AND CERTIFICATE OR PERMIT FROM BOARD REQUIRED.) No person shall practice, or hold himself out as a practitioner in veterinary medicine, surgery, or dentistry, or any department thereof, unless he is a graduate of the veterinary course offered in a veterinary school or in a college or university recognized by the livestock sanitary board, nor unless he possesses a certificate or permit issued by the state board of veterinary medical examiners which is in full force and effect.

Approved February 27, 1951.

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## CHAPTER 221

S. B. No. 242  
(Committee on Agriculture)

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### LIVESTOCK, POULTRY AND WOOL DEALERS; BOND; LICENSE

#### AN ACT

To amend and reenact sections 36-0401, 36-0402, 36-0405, 36-0406 and 36-0407 of the North Dakota Revised Code of 1943, relating to livestock, poultry and wool dealers.

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

§ 1. AMENDMENT.) Section 36-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0401. "DEALER" DEFINED.) In this chapter unless the context or subject matter otherwise requires:

1. "Dealer" shall mean any person, copartnership, association, or corporation engaged in the business of buying, selling and dealing in horses, mules, cattle, hogs, sheep, poultry, or wool from the producer or live stock sales ring for re-sale and shipment within the state, and also resale in the local market.

2. "Commission" shall mean the public service commission.

§ 2. AMENDMENT.) Section 36-0402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0402. RESTRICTIONS ON APPLICATION OF PROVISIONS OF CHAPTER.)

The provisions of this chapter shall not apply to:

1. Farmers who or farm associations which buy and sell livestock, poultry, or wool among themselves as producers;
2. Farmers who or farm associations which purchase livestock or wool to complete a load of their own livestock or wool shipment to market if the amount so purchased does not exceed twenty-five percent of a railroad carload;
3. Cooperative livestock or wool marketing associations of producers of livestock or wool in their dealings with their members; or
4. Livestock or poultry purchased by local butchers or dealers for slaughter or processing in their business for local home consumption or for the purpose of trading the same for merchandise or machinery.

§ 3. AMENDMENT.) Section 36 0405 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0405. DEALER TO FILE BOND WITH COMMISSION; ADDITIONAL BOND MAY BE REQUIRED.) Each applicant for a license under the provisions of this chapter shall file with his application a bond issued by an approved surety company. The commission shall be named as the obligee in each such bond but the bond shall be held for the purpose of protecting and for the benefit of any person selling livestock, wool, or poultry, as the case may be, to the licensed dealer or to his agent. Such bond shall be conditioned for:

1. The faithful performance by the dealer of his duties as such;
2. The compliance by the dealer with all of the provisions of this code relating to the purchase of livestock, wool, or poultry, as the case may be;
3. The full and complete payment to the seller for all livestock, wool, or poultry purchased by the dealer; and
4. The full protection of any person who deals with such dealer. Each such bond shall cover the entire license period of the dealer and shall be approved as to amount, form, and sufficiency by the commission. The commission may demand an additional bond for either the principal or agent whenever in its judgment the volume of business of the principal or of any agent named by the principal warrants such demand.

§ 4. AMENDMENT.) Section 36-0406 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0406. AMOUNT OF BONDS.) The minimum amount of the bond required under the provisions of section 36-0405 shall be dependent upon the kind of license issued by the commission and shall be in the following amounts:

1. For a dealer in livestock five thousand dollars and for agents of livestock dealers fifteen hundred dollars each;
2. For a dealer in poultry only, two thousand dollars, and for agents of poultry dealers one thousand dollars each;
3. For a dealer in wool only, five thousand dollars and for agents of wool dealers, fifteen hundred dollars each;
4. For a dealer in more than one of any such classifications, in the highest amount required for any such classification.

§ 5. AMENDMENT.) Section 36-0407 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0407. ISSUANCE OF LICENCES: FEES: LICENSE NOT ISSUED TO FELON: TERM OF LICENSE.) The commission shall issue to each applicant who has complied with the provisions of this chapter a license of the kind applied for upon the payment by him of fees as follows:

1. For a livestock dealer's license, ten dollars;
2. For a poultry dealer's license, four dollars;
3. For a wool dealer's license, ten dollars.

For each agent appointed by the dealer and licensed by the commission, the amount of such license fee shall be increased in the amount of ten dollars if the principal's license is a livestock dealer's license or a wool dealer's license, and in the amount of four dollars if the principal's license is a poultry dealer's license. No license shall be issued to a dealer or to an agent who has been convicted of a felony in this state or elsewhere. Each license issued under the provisions of this chapter shall license the conduct of the business described therein at the place or places named in the application therefor, and shall expire on the thirty-first day of December next following the date of its issue provided that any person, co-partnership, association or corporation licensed for the year 1951 under the provisions of Chapter 36-04 of the North Dakota Revised Code for the year 1943 at the time of the taking effect of this Act, shall not be required to qualify hereunder until the year 1952.

Approved March 8, 1951.

## CHAPTER 222

S. B. No. 191  
(Krenz, by request)

## LIVESTOCK SALES RINGS; BOND; LICENSE

## AN ACT

To amend and reenact sections 36-0503, 36-0504 and 36-0509 of the North Dakota Revised Code of 1943, relating to livestock sales ring.

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

§ 1. AMENDMENT.) Section 36-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0503. LICENSE REQUIRED; APPLICATION; FEE.) No person, partnership, firm, or corporation shall establish or operate a livestock sales ring within this state without first procuring a license to do so from the commission. An applicant for such license shall:

1. Make a written application therefor in the form prescribed by the commission;
2. File with the commission a statement showing that he or it is financially responsible to operate such sales ring and that he or it owns or controls adequate facilities for the care, sorting, feeding, loading and unloading, and shipment of livestock; and
3. Pay to the commission a license fee of one hundred dollars;

§ 2. AMENDMENT.) Section 36-0504 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0504. BOND TO ACCOMPANY APPLICATION FOR LICENSE; AMOUNT; APPROVAL; CONDITIONS; TERM.) Each applicant for a license to operate a livestock sales ring shall file his application for such license, or for a renewal thereof, a surety bond in the minimum amount of ten thousand dollars. Such bond shall be approved as to amount, form, and surety by the commission. The commission shall be the obligee in the bond, and it shall be for the benefit of, and for the purpose of protecting, any person selling to or through or buying livestock through or from the licensee or his or its agent. The commission may demand an additional

bond of the licensee whenever in its judgment the volume of the business of the licensee warrants such demand. The bond shall be conditioned for:

1. The payment of all money received by the licensee and operator of such livestock sales ring as such operator, less reasonable expenses and agreed commissions;
2. The faithful performance by the licensee of his duties as such licensee; and
3. The faithful performance by the licensee of all the provisions of this code relating to the purchase, sale or holding of livestock.

Such bond shall cover the entire license period.

§ 3. AMENDMENT.) Section 36-0509 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0509. RECORDS TO BE KEPT BY OPERATOR OF SALES RING; CONTENTS; EXAMINATION; REPORT.) The operator of such livestock sales ring shall keep on file an accurate record of:

1. The date on which each consignment of animals was received and sold;
2. The name and address of the buyer and seller of such animals;
3. The number and species of the animals received and sold; and
4. The marks and brands on each such animal.

Such record, together with the gross selling price, commission, and other proper care, handling, and sales charges on each consignment of livestock shall be available for inspection by the commission or its authorized inspector, and a copy thereof shall be supplied to the owner of such livestock. All records of sales during the preceding twelve months shall be kept readily accessible for immediate examination.

Approved March 5, 1951.

## CHAPTER 223

S. B. No. 201  
(Freed and Duffy)

MINIMUM STANDARDS FOR MEAT INSPECTION, SANITATION,  
ETC. BY LIVESTOCK SANITARY BOARD

## AN ACT

Relating to the minimum standards for the inspection, sanitation, and distribution of meat and meat products within the State of North Dakota; providing for the inspection of establishments engaged in the production of meat and meat products for human consumption by the state livestock sanitary board; providing for the free course of trade between the various municipalities within the state of the products governed by this regulation; and declaring an emergency.

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

SECTION 1. STATE LIVESTOCK SANITARY BOARD TO INSPECT.) The state livestock sanitary board is hereby authorized and required to inspect all slaughtering and manufacturing establishments engaged in the production of meat and meat products for human consumption and delivering such products for use in the course of trade or business in various municipalities in the state of North Dakota.

SECTION 2. HOW COST OF INSPECTION PAID.) The cost of furnishing veterinary inspectors shall be borne by the establishment receiving the services of such inspectors, or by the municipalities which by ordinance control the inspection of such establishments within the jurisdiction of the municipality.

§ 3. FREE INTRASTATE TRADE IN INSPECTED PRODUCT.) No municipality shall prohibit the sale of meats or meat products originating in another municipality providing such products have originated in establishments which have complied with the standards provided for by this Act, and provided further that such products are in substantially the same condition as when they left the establishment in which they originated.

§ 4. EXEMPTIONS.) Retail and wholesale butchers and retail and wholesale dealers in meats or meat products supplying customers only within the municipality in which their slaughter or manufacturing establishment is located or adjacent thereto or anyone slaughtering or manufacturing meats and meat products for home consumption and all slaughterers under federal inspec-

tion, or markets and manufacturing establishments buying federal or state inspected meats shall be exempt from the provisions of this Act.

§ 5. STATE LIVESTOCK SANITARY BOARD TO LICENSE AND TO MAKE RULES AND REGULATIONS.) The state livestock sanitary board shall make proper rules and regulations for the control and inspection of all establishments covered by this Act processing meat or meat products for human consumption within this State and may fix maximum fees for the licensing of such establishments not to exceed ten dollars annually.

No establishment, subject to the provisions of this Act, may sell or deliver meat or meat products without a license issued under this Act.

§ 6. 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, 1951.

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## MILITARY

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### CHAPTER 224

H. B. No. 629  
(Bourgeois and Fleck)

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#### SALE AND CONVEYANCE OF CERTAIN TRACTS OF NATIONAL GUARD PREMISES TO CITY OF BISMARCK

##### AN ACT

Authorizing the adjutant general to sell and convey to the city of Bismarck, North Dakota, a certain tract of land located on part of the state of North Dakota property used for national guard purposes.

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

§ 1. AUTHORIZATION TO SELL AND CONVEY.) The adjutant general of the state of North Dakota, for and in behalf of the state of North Dakota, and with the consent and approval of the secretary of the interior of the United States, is hereby authorized to sell and convey to the city of Bismarck, North Dakota, for the consideration of one dollar the following described real property, to-wit:

A tract of land lying in government lot three, section thirty-one, township one hundred thirty-nine north, range eighty west, Burleigh county, North Dakota, said tract being described as follows:

Beginning at a point on the southwesterly right-of-way line of the Northern Pacific railway a distance of seventeen hundred forty-one and one tenth feet north of and seven hundred sixty and six tenths feet west of the southeast corner of said section thirty-one, said point of beginning was located as follows: Beginning on the east line of said section thirty-one and the center line of the Northern Pacific railway main tracks; thence running north fifty-seven degrees fifty-eight minutes west, along the centerline of the Northern Pacific main tracks, seven hundred seventy-two and twelve hundredths feet; thence running south thirty-two degrees two minutes west at right angles to main tracks, two hundred feet to said point of beginning; thence continuing south thirty-two degrees two minutes west, three hundred eleven and nine hundredths feet to a corner of the present water plant property; thence running north thirty-two degrees forty minutes west along the present water plant property, four hundred seventy-five and sixty eight hundredths feet; thence running north sixteen degrees fifty-nine minutes east along the present water plant property, one hundred ten and sixty-one hundredths feet, more or less, to the southwesterly right-of-way line of the Northern Pacific railway; thence running southeasterly along the said southwesterly right-of-way line, four hundred fifty-seven feet, more or less, to the point of beginning; containing two and eleven hundredths acres, more or less.

Approved March 5, 1951.

## CHAPTER 225

S. B. No. 139  
(Krenz)

## POWERS AND DUTIES OF BOARD OF ARMORY SUPERVISORS

## AN ACT

To amend and reenact section 37-1003 of the North Dakota Revised Code of 1943, relating to powers and duties of the board of armory supervisors.

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

§ 1. AMENDMENT.) Section 37-1003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1003. POWERS AND DUTIES OF BOARD OF ARMORY SUPERVISORS.) The board of armory supervisors shall fix for each unit of the national guard the maintenance and rent allowance to be paid by this state for other than state-owned armories. The board shall acquire, contract for, erect, purchase, sell, maintain, repair, and alter state-owned armories subject to the laws made and provided therefor. Such board may lease property to be used for armory purposes, but no lease shall extend for a period exceeding fifteen years. Such board, with the approval of the adjutant general, is authorized to make exchange of lands, owned by the state of North Dakota and used for military purposes, with other agencies of the state, counties, municipalities or other political subdivisions, corporations or individuals; or to purchase, within funds available, parcels of land necessary for the construction of armories or the expansion of present military installations in the state of North Dakota. Such board is authorized, with the approval of the adjutant general, to lease parts of military installations to the department of defense or other agencies of the federal government.

Approved February 28, 1951.

## CHAPTER 226

H. B. No. 614  
(Fristad and Dahl)

## SOLDIERS HOME; OBJECT; ADMITTANCE

## AN ACT

To amend and reenact sections 37-1502 and 37-1510 of the North Dakota Revised Code of 1943, relating to the object of the North Dakota soldiers' home and admission thereto.

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

§ 1. AMENDMENT.) Section 37-1502 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1502. OBJECT OF SOLDIERS' HOME.) The object of the soldiers' home shall be to provide a home and subsistence for:

1. All honorably discharged United States soldiers, sailors, marines, coast guard and feminine members of the armed services who have served the United States in any of its wars or military expedition and who are disabled by disease, wounds or otherwise and do not have sufficient means or ability to support themselves, and honorably discharged members of the North Dakota national guard mustered into federal service in 1916 and who served on the Mexican border and all honorably discharged soldiers of the North Dakota national guard who heretofore or hereafter may become permanently disabled from any cause while in line and discharge of duty; and
2. The wives and widows of those mentioned in subsection 1 of this section providing they meet the requirements for admission under the provisions of section 37-1510.

§ 2. AMENDMENT.) Section 37-1510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1510. ADMITTANCE TO SOLDIERS' HOME; REGULATIONS GOVERNING.)

1. No applicant shall be admitted to the soldiers' home unless he or she has been a bona fide resident of this state for at least three years next preceding his or her application for admission thereto. The three year residency immedi-

- ately preceding application may be waived if the applicant served in a North Dakota regiment or was accredited to the state of North Dakota during a war period ;
2. All honorably discharged soldiers of the North Dakota national guard who heretofore or hereafter may become permanently disabled from any cause while in line and discharge of duty and are not able to support themselves, due to aforesaid disabilities, may be admitted to the North Dakota soldiers' home in accordance with the laws for admission of others and under such rules and regulations as the board of trustees may adopt ;
  3. The wife or widow of a United States or North Dakota service man mentioned in subsection 1 of section 37-1502 may be admitted upon the same footing as her husband, provided, however, that such wife or widow shall have entered into the contract of marriage to her husband at least ten years prior to date of application or prior to the date necessary for her to obtain a United States pension and shall have attained the age of forty-five years at date of application ;
  4. No person shall be admitted to the home until he or she shall have made formal application and furnished such proof as may be required by the board of trustees and such application shall have been approved by the board of trustees or a board of officers of the institution which they shall designate ; and
  5. When a member of the home who is not eligible for veterans administration hospitalization and care, becomes unable from any cause to care for self under the rules and regulations prescribed by the board of trustees for the admission and care of members in the home, he or she shall become a charge of the county of residence at the time of admission. No individual shall gain or lose legal residence by reason of residence in or a member of the soldiers' home.

Approved March 5, 1951.

## CHAPTER 227

H. B. No. 615  
(Fristad and Wahl)

DISBURSEMENT OF MONEYS FOR SUPPORT, ETC.,  
OF SOLDIERS HOME

## AN ACT

To repeal section 37-1515 of the North Dakota Revised Code of 1943, relating to disbursement of moneys for the support and maintenance of the state soldiers home.

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

§ 1. REPEAL.) Section 37-1515 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 9, 1951.

## CHAPTER 228

S. B. No. 197  
(Committee on Appropriations)

## CIVIL DEFENSE

## AN ACT

Relating to the civil defense; providing for the establishment of a civil defense council headed by the governor; setting out the powers and duties of such council and the governor; providing for the termination of the Act at the end of the present national emergency; making an appropriation; repealing chapter 37-17 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. PURPOSE; POLICY.) It is hereby found and declared that it is necessary, because of the present national emergency with which the United States of America is confronted, to provide for the creation of state and local civil defense agencies, and to confer upon the said defense agencies and upon the political subdivisions of the state, the emergency powers and the incidents thereof enumerated in this Act. It is further declared to be the

purpose of this Act and the policy of the state thereby to assist and cooperate with the federal government and other states, including the contiguous provinces of the Dominion of Canada, in matters relating to the civil defense effort; to meet the extraordinary conditions and problems resulting in this state from the present emergency by establishing such organizations and taking such steps as are necessary and appropriate to carry out the provisions of this Act; and, generally, to defend the state, protect the public peace, health, and safety, and preserve the lives and property of the people of the state.

§ 2. ORGANIZATION OF COUNCIL.) There is hereby created the North Dakota civil defense council, hereinafter designated as the "council", to consist of the governor, the attorney general, the commissioner of agriculture and labor, and twelve other members, to be appointed by the governor. The governor shall be chairman of the council. The members of the council shall serve without compensation, but may be reimbursed for their actual and necessary traveling and other expenses incurred in connection with attendance upon meetings of the council. The council shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as other state agencies.

§ 3. POWERS; FUNCTIONS AND DUTIES OF THE GOVERNOR, THE STATE DIRECTOR AND THE COUNCIL.)

1. a. The governor shall have general direction and control of the civil defense agency, and shall be responsible for carrying out the provisions of this Act, and in the event of disaster or emergency beyond community control, may assume direct operational control over all or any part of the civil defense functions within the state.

b. The governor shall have the power to appoint a state director and fix his salary, and to establish and appoint, in cooperation with local officials, a council in each county which shall act as a coordinating agency under the supervision and direction of the state council in cooperation with the local governmental agencies.

2. The director, subject to the direction and control of the governor, shall be the executive head of the civil defense agency and shall be responsible to the governor. He shall coordinate the activities of all organizations for civil defense within the state, and shall maintain liaison with and cooperate with civil defense agencies and organizations of other states, including the contiguous provinces of the Dominion of Canada, and of the federal government, and such additional authority, duties, and responsibilities as may be prescribed by the governor. He is authorized

to employ such technical, clerical, stenographic, and other personnel as are necessary to carry out the purposes of this Act and to fix the compensation of employees :

3. The council shall have the following powers, functions and duties :

a. To cooperate with :

- (1). Any and all federal departments, agencies, and independent establishments and the officers and employees thereof charged with responsibilities relating to the defense of the nation ;
- (2). The officers and agencies of other states in matters pertaining to the common defense of the state and nation ;
- (3). The political subdivisions and local defense councils and agencies of this state ; and
- (4). Private agencies engaged in activities essential to civil defense ;

b. To provide for the recruitment, qualification, training, equipment, powers, and duties of all persons engaged in civil defense activities ;

c. To require and direct the cooperation and assistance of state and local governmental agencies and officials ;

d. To provide for the appointment of such committees and sub-committees, to be composed of members of the council or other persons, as the council may determine, and prescribe their duties and functions, and to make, amend, and rescind such orders, rules, and regulations, not inconsistent with law, as the council may deem necessary and proper to carry out the purposes of this Act ;

e. To perform all duties authorized by the governor, under the laws, constitutions, and war powers.

§ 4. CIVIL DEFENSE POWERS TO FORM LOCAL DEFENSE COUNCILS TO COOPERATE WITH COUNTY DEFENSE COUNCILS AND OF POLITICAL SUBDIVISIONS.) Cities are hereby authorized to enact such ordinances as may be necessary and proper effectually to carry out the provisions of this Act

§ 5. POWERS AND DUTIES OF LOCAL DEFENSE COUNCIL.)

1. A local defense council may appoint and remove, or provide for the appointment and removal of, air raid wardens, auxiliary fire and police personnel, and such other civilian

defense workers as may be found necessary for conducting the activities of any agency created pursuant to this Act. The persons appointed shall not be entitled to pension or retirement rights or privileges;

2. A local defense council, if and when established, shall cooperate with and assist the state council and shall perform such services as may be requested by the council. A local council may act jointly with other such councils. Except as limited by the state council, a local council shall have such powers, functions, and duties as may be conferred by the governing body which established it.

§ 6. RECIPROCAL AGREEMENTS BETWEEN POLITICAL SUBDIVISIONS.) In order to achieve the most effective use of the services and equipment of all political subdivisions of the state, throughout the state, each political subdivision may negotiate reciprocal aid agreements with other political subdivisions of the state with respect to the furnishing of services, equipment, supplies, and facilities for the purpose of rendering aid in cases of disaster, including any occasioned by air raid or other form of enemy attack.

§ 7. POWERS HEREIN CONFERRED TO BE EXERCISED IN CONFORMITY WITH FEDERAL ACTION.) In order to attain uniformity so far as practicable throughout the country in measures taken to aid in civilian defense, all action taken under this Act, and all orders, rules, and regulations made pursuant thereto, shall be taken or made with due consideration to the orders, rules, regulations, recommendations, and requests of federal authorities relevant thereto, and, to the extent permitted by law, shall be consistent with such orders, rules, regulations, recommendations, and requests.

§ 8. ASSISTANCE FROM OTHER STATE AND PRIVATE AGENCIES.) In providing such assistance hereunder, state agencies shall cooperate to the fullest extent with the state director of civil defense, local governments, relief agencies and the American National Red Cross, but nothing contained in this Act shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the Act approved by the Congress of the United States, January 5, 1905, and are subsequently amended.

§ 9. COORDINATION WITH THE FEDERAL CIVIL DEFENSE ADMINISTRATION.) Anything in this Act to the contrary notwithstanding, no action shall be taken, and no order, rule or regulation shall be made, under this Act which is inconsistent with any

relevant order, rule, or regulation of the federal civil defense administration.

§ 10. GOVERNOR TO ACCEPT FEDERAL AID.) The governor, for the use and benefit of the state, its political subdivisions, and the civil defense council, is authorized to accept any loans, grants in aid, or other services or assistance offered in aid of the civil defense by the federal government, upon such terms and in accordance with such rules and regulations as the federal government or its authorized agencies may prescribe.

§ 11. IMMUNITY.)

1. The officers, agents, or representatives of the state or any political subdivision thereof, shall not be liable for personal injury or property damage sustained by any person appointed or acting as a civil defense worker, or member of any agency engaged in civil defense activity. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the workmen's compensation law or any pension law or any act of the congress of the United States.
2. No officer or employee of the state defense council, or of a local council, nor any civil defense worker or member of any agency engaged in any civil defense activity, complying with or attempting to comply with this Act, or any order, rule or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to any blackout or other precautionary measure enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity.

§ 12. TERMINATION.) The provisions of this Act shall expire and become inoperative by action of the legislative assembly of the State of North Dakota, or whenever the president or congress of the United States proclaims an end to the present existing national emergency.

§ 13. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund of the state treasury the sum of Fifty Thousand Dollars (\$50,000.00) to carry out the provisions of this Act.

§ 14. REPEAL.) Chapter 37-17 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 15. 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, 1951.

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CHAPTER 229

S. B. No. 114  
(Morgan)

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SALARY OF COMMISSIONER OF VETERANS AFFAIRS

AN ACT

To amend and reenact section 37-1807 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the salary of the commissioner of veterans affairs.

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

§ 1. AMENDMENT.) Section 37-1807 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1807. COMPENSATION AND EXPENSES OF COMMISSIONER.) The salary of the commissioner shall be the amount appropriated therefor by the legislative assembly. He shall be allowed such amounts for travel, clerkhire and expenses as may be prescribed from time to time by legislative appropriations.

Approved February 7, 1951.

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## MINING AND GAS AND OIL PRODUCTION

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### CHAPTER 230

H. B. No. 591  
(Bubel)

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#### MEETINGS OF BOARD OF MINE FOREMAN EXAMINERS

##### AN ACT

To amend and reenact section 38-0503 of the North Dakota revised code of 1943, relating to meeting of the board of mine foreman examiners.

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

§ 1. AMENDMENT.) Section 38-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

38-0503. MEETINGS OF BOARD OF EXAMINERS.) The board of examiners shall meet, during the month of June of each year, at the call of the state coal mine inspector.

Approved February 9, 1951.

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### CHAPTER 231

S. B. No. 220  
(Fraser, Duffy, Schoeder and Torno)

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#### RELEASE OF MINERAL RESERVATIONS ON STATE LANDS WHEN RESALE TO FORMER OWNER, SPOUSE OR TO LINEAL DESCENDANTS; ASSIGNMENT OF MINERAL LEASES AND RENTALS

##### AN ACT

Relating to reservations of minerals; providing that where the state sells lands to the person from whom the state's title was derived, or to the spouse or lineal descendant of such person, the sale shall be made free of any reservation of minerals.

providing for the release of reservations made subsequent to March 12, 1939, and providing for the assignment of mineral leases on such lands.

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

§ 1.) Whenever the state or any of its departments sell lands to any person, from whom the state derived the title to such lands, or to his spouse or to his lineal descendants in the first degree, the lands shall be sold free of any reservation of minerals provided for in section 38-0901 of the North Dakota Revised Code of 1943 or in chapter 149 of the 1939 session laws.

§ 2.) Where the state or any of its departments have, subsequent to March 12, 1939, sold lands to any person from whom the state derived title to such lands, or to his spouse or to his lineal descendants in the first degree, and such purchaser or his spouse or his lineal descendants in the first degree are the owners of such lands at the date of the passage of this Act, the state and its departments shall release to such person any reservation of minerals made under section 38-0901 of the North Dakota Revised Code of 1943, or under chapter 149 of the 1939 session laws.

§ 3.) When the purchase price of such lands has been fully paid to the state or its departments, an instrument evidencing such release shall be furnished on application and payment of fees under rules to be prescribed by the state and its departments, but in no case shall the fee therefor exceed ten cents an acre.

§ 4.) Pending application and payment of fee under section 3, the state and its departments may continue to lease reserved minerals and to collect rentals and other income from such leases, and where lands have been sold on contract for deed, such rentals and other income shall be applied as payment on the contract for deed. On release of minerals reserved, any unexpired mineral leases and rentals and income thereafter becoming due shall be assigned to the person entitled to the release as prescribed in sections 2 and 3 hereof.

Approved February 28, 1951.

## CHAPTER 232

H. B. No. 708

(Bentz and Robinson)

LEASING PUBLIC LANDS FOR MINERAL, OIL OR GAS  
EXPLORATION AND PRODUCTION

## AN ACT

Relating to leasing public lands for mineral, oil, or gas exploration and production, and declaring an emergency.

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

§ 1. PUBLIC LANDS; LEASING FOR EXPLORATION AND FOR PRODUCTION OF OIL AND GAS: METHOD.) No lands, owned in whole or in part, or on which a reservation of oil and gas rights has been made in a conveyance thereof, by the state of North Dakota or by any department or agency thereof or by any county or other political subdivision of this state shall be leased for oil or gas exploration or production except as provided for in this Act.

§ 2. PUBLIC OFFERING OF LEASES; STATE.) Before leasing any land or interest therein or any mineral rights reserved therein, the state of North Dakota or any of its departments or agencies shall first advertise the lands offered for lease in the official paper of the county in which such lands are situated, and in some newspaper of general circulation published in the City of Bismarck, said advertisement to be made by publication in the official newspaper of said county once each week for at least two weeks, the last publication to be at least ten days before the day of such leasing. The leasing shall be held at the office of the department or agency owning or controlling such lands and the notice as published shall contain a statement showing the legal description of the lands to be leased, the time and place where the leasing will be held and such other information as may be deemed by such state or department or agency thereof to be applicable.

§ 3. LEASING; PUBLIC OFFERING COUNTIES AND POLITICAL SUBDIVISIONS.) Before leasing any lands or interest therein or any mineral rights reserved in any conveyance thereof, any county or other political subdivisions thereof shall advertise the same in like manner as provided in section 2 hereof and with like

content of such notice and the leasing shall be held at the office of the county auditor if owned by the county or if by any other political subdivision, at the office of the clerk or auditor thereof.

§ 4. BIDDING OR OFFERS.) Offers for leasing may be made in writing and such bids shall be opened at the time of the leasing and bids may be offered orally at the time of the leasing. Such bids shall be made upon the basis of acceptance of a lease upon the rental basis herein fixed, plus such bonus as the bidder may offer. The leasing agency may reject all bids and no bid shall be accepted unless the bidder shall, at the time of the leasing, tender or pay to the leasing official an amount equal to the first years rental for such oil and gas rights, plus any bonus offered for such lease.

§ 5. TERMS OF LEASE.) All leases for the purposes as hereinbefore provided shall be made by the state of North Dakota and all agencies and departments and political subdivisions thereof for twenty-five cents per acre, per year for deferred drilling and shall be made with a royalty reservation of one-eighth of all oil and gas produced from said land as long as oil and gas may be produced from said land. The term one-eighth as used herein shall be construed to mean one-eighth of such interest as may be owned by the lessor. All leases hereunder shall be made for a period of not less than five years and shall continue in effect under the terms thereof as long as oil or gas may be produced thereon in commercial quantities.

§ 6. LEASES VOID IF NOT LET AS PROVIDED HEREIN.) No lease of public land for exploration or development of oil and gas production shall be valid unless advertised and let as hereinbefore provided.

§ 7. RULES AND REGULATIONS.) The state of North Dakota and its departments and agencies, the board of county commission division are hereby authorized to establish rules and regulations for the leasing of lands for the purposes set forth in this Act, not inconsistent herewith. Such rules may require the deposit by any applicant for a lease of an amount sufficient to cover the publication costs.

§ 8. EMERGENCY.) An emergency is deemed to exist and this act shall be in full force and effect from and after its final passage and approval.

Approved March 13, 1951.

## CHAPTER 233

S. B. No. 85

(Nordhougen, Duffy and Baeverstad)

## RELEASE OF OIL AND MINERAL LEASES

## AN ACT

Relating to release of oil, gas and mineral leases.

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

§ 1. DUTY OF LESSEE TO HAVE TERMINATED OR FORFEITED LEASE RELEASED; PUBLICATION NOTICE: AFFIDAVIT TO BE RECORDED: NOTICE TO LAND OWNER; REMEDIES.) When any oil, gas or other mineral lease heretofore or hereafter given on land situated in any county of North Dakota and recorded therein shall terminate or become forfeited it shall be the duty of the lessee, his successors or assigns, within sixty days from the date of the taking effect of this Act, if the termination or forfeiture occurred prior thereto, and within sixty days after the date of the termination or forfeiture of any other lease, to have such lease surrendered in writing, such surrender to be signed by the party making the same, acknowledged and placed on record in the county where the leased land is situated without cost to the owner thereof. If the said lessee, his successors or assigns, shall fail or neglect to execute and record such surrender within the time provided for, then the owner of said land may serve upon said lessee, his successors or assigns, in person or by registered letter, at his last known address, or by publication for three consecutive weeks in a newspaper of general circulation in the county where the land is situated, a notice in writing in substantially the following form:

To .....: I, the undersigned, owner of the following described land situated in ..... county, North Dakota, to wit: (description of land) upon which a lease, dated ..... day of ....., 19....., was given to ..... do hereby notify you that such lease has terminated or become forfeited by breach of the terms thereof, that I hereby elect to declare and do declare the said lease forfeited and void and that, unless you do, within twenty days from this date, notify the register of deeds of said county as provided by law that said lease has not been forfeited, I will file with the said register of deeds affidavit of forfeiture as provided by law, and I hereby demand that you execute or have executed a proper

surrender of said lease and that you put the same of record in the office of the register of deeds of said county within twenty days from this date.

Dated this ..... day of ....., 19....., .....  
..... . The owner of said land may after twenty days from the date of service, registration, or first publication of said notice, file with the register of deeds of the county where said land is situated an affidavit setting forth, that the affiant is the owner of said land, that the lease has terminated or that the lessee, or his successors or assigns has failed and neglected to comply with the terms of said lease, reciting the facts constituting such failure and that the same has been forfeited and is void, and setting out in said affidavit a copy of the notice served, as above provided and the manner and time of the service thereof. If the lessee, his successors or assigns, shall within thirty days after the filing of such affidavit, give notice in writing to the register of deeds of the county where said land is located that said lease has not been forfeited and that said lessee, his successors or assigns, still claim that said lease is in full force and effect, then the said affidavit shall not be recorded but the register of deeds shall notify the owner of the land of the action of the lessee, his successors or assigns, and the owner of the land shall be entitled to the remedies now provided by law for the cancellation of such disputed lease. If the lessee, his successors or assigns, shall not notify the register of deeds, as above provided, then the register of deeds shall record said affidavit, and thereafter the record of the said lease shall not be notice to the public of the existence of said lease or of any interest therein or rights thereunder, and said record shall not be received in evidence in any court of the state on behalf of the lessee, his successors or assigns, against the lessor, his successors or assigns.

§ 2. ACTION TO OBTAIN RELEASE; DAMAGES, COSTS AND ATTORNEY'S FEES: ATTACHMENT.) Should the owner of such lease neglect or refuse to execute a release as provided by this Act, then the owner of the leased premises may sue in any court of competent jurisdiction to obtain such release, and he may also recover in such action of the lessee, his successors or assigns, the sum of one hundred dollars as damages, and all costs, together with a reasonable attorney's fee for preparing and prosecuting the suit, and he may also recover any additional damages that the evidence in the case will warrant. In all such actions, writs of attachment may issue as in other cases.

§ 3. SURRENDER OF LEASE BY LESSEE.) Any oil and gas or mining lease that has been or may hereafter be recorded in the office of the register of deeds of any county may be discharged and canceled of record by an entry on the margin of

the record thereof signed by the lessee or his assigns of record, or his duly authorized attorney in fact or personal representative, or a corporation by its duly authorized officers surrendering all of his right, title and interest in and to said lease in the presence of the register of deeds or his deputy who shall subscribe the same as witness.

§ 4. RECORD OF SURRENDER.) Any oil and gas or mining lease that has been or may hereafter be recorded in the office of the register of deeds of any county may be discharged and canceled by an endorsement made on the original lease signed by the lessee or his duly authorized attorney in fact, assignee of record or personal representative or a corporation by its duly authorized officers surrendering his right, title and interest in and to said lease, which endorsement may be entered on the margin of the record thereof, and shall have the same force and effect as the entry on the margin of the record as provided by section 3.

§ 5. RECORD OF LEASE AS NOTICE FOR DEFINITE TERM; EXTENSION UPON CONTINGENCY, AFFIDAVIT.) When an oil, gas or mineral lease is hereafter given on land situated within the state of North Dakota, the recording thereof in the office of the register of deeds of the county in which the land is located shall impart notice to the public of the validity and continuance of said lease for the definite term therein expressed, but no longer. If such lease contains the statement of any contingency upon the happening of which the term of any such lease may be extended, such as, and as much longer as oil and gas or either are produced in paying quantities, the owner of said lease may at any time before the expiration of the definite term of said lease file with said register of deeds an affidavit setting forth the description of the lease, that the affiant is the owner thereof and the facts showing that the required contingency has happened. This affidavit shall be recorded in full by the register of deeds, and such record together with that of the lease shall be due notice to the public of the existence and continuing validity of said lease, until the same shall be forfeited, canceled, set aside or surrendered according to law.

§ 6. DEMAND FOR RELEASE BEFORE BRINGING ACTION; EVIDENCE.) At least twenty days before bringing the action provided for in this Act, the owner of the leased land, either by himself or by his agent or attorney, shall demand of the holder of the lease, if such demand by ordinary diligence can be made in this state, that said lease be released of record. Such demand may be either written or oral. When written, a carbon or written copy thereof, when shown to be such, may be used as evidence in any court with the same force and effect as the original.

Approved March 7, 1951.

## MOTOR VEHICLES

### CHAPTER 234

H. B. No. 666

(Fuglestad, Anderson (Richland), Wollitz, Klefstad, Snortland,  
Callahan, Sorlie, Lee, Langley, Paulson and Nelson)

#### LEGALIZING USE OF PARKING METERS; LIMITATION

##### AN ACT

To amend and reenact the initiated measure approved June 29, 1948, entitled "making it unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway department, to establish and maintain any mechanical device or devices known as parking meters, or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota", constituting chapter 357 of the 1949 Session Laws and Section 39-0109 of the 1949 Supplement to 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.) The initiated measure approved June 29, 1948, entitled "making it unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway department, to establish and maintain any mechanical device or devices known as parking meters, or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota" constituting chapter 357 of the 1949 Session Laws and section 39-0109 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

§1.) It shall be unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway department to operate any mechanical device or devices known as "parking meters", or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota;

1. Between the the hours of 5:00 P.M. and 9:00 A.M.;
2. On any legal holiday;
3. Within one hundred feet of the main entrance of any church, public or parochial school;
4. Within twenty-five feet of the corner of any retail business block; or
5. In any residential area as defined by ordinance or zoning regulations.

Nor unless provision be made in at least one-half of the parking meters for two hours parking at not to exceed ten cents. Any and all ordinances and resolutions authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, contrary to the provisions of this section shall be null and void. All fines, forfeitures, and pecuniary penalties prescribed as a punishment for a violation of any ordinance providing for the operation of parking meters, when collected shall be paid into the treasury of the county to be added to the state school fund.

§ 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, 1951.

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CHAPTER 235

H. B. No. 606  
(Baker)

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SPECIAL MOTOR VEHICLE PLATES FOR AMATEUR RADIO  
STATIONS LICENSE HOLDERS.

AN ACT

To provide that holders of amateur radio station licenses upon proper proof of such license, and upon payment of added fees may apply for and obtain special plates bearing the applicants' amateur radio call letters, which plates shall be issued by the superintendent of the state highway patrol in addition to the usual motor vehicle registration certificates and plates.

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

- § 1. Motor vehicle owners who are residents of the state of

North Dakota and who hold an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, Washington, D. C. upon application to the superintendent of the state highway patrol and payment of a fee of one dollar, accompanied by proof of ownership of such amateur radio station license, compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the regular license fee, as prescribed under the North Dakota motor vehicle laws, shall be issued an additional plate, upon which, shall be inscribed the official amateur radio call letters of such applicant as assigned by the federal communications commission. The superintendent of the state highway patrol shall make such rules and regulations as may be necessary and shall require compliance with all state license laws relating to use and operation of private passenger cars before issuing such plates.

§ 2. The superintendent of the state highway patrol shall furnish to the sheriff of each county in the state of North Dakota an alphabetically arranged list of the names and special plate letters of each person to whom a plate is issued under the provisions of this Act, and it shall be the duty of the sheriffs of the state to maintain and to keep current such lists for public information and inquiry.

Approved March 1, 1951.

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## CHAPTER 236

S. B. No. 100

(Anderson, Morgan, Nordhougen and Duffy)

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### APPOINTMENT, POWERS & DUTIES OF MOTOR VEHICLE REGISTRAR

#### AN ACT

To amend and reenact sections 24-0204, 39-0201 and 39-0203 of the North Dakota Revised Code of 1943, relating to the registrar of motor vehicles.

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

§ 1. AMENDMENT.) Section 24-0204 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

24-0204. COMMISSIONER IS HEAD OF STATE HIGHWAY DEPARTMENT.) The commissioner shall have the full control, management, supervision, administration, and direction of the state highway department and shall perform such other duties as may be imposed upon him or placed under his jurisdiction.

§ 2. AMENDMENT.) Section 39-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0201. REGISTRAR OF MOTOR VEHICLES: APPOINTMENT; TERM: REMOVAL: OATH: BOND.) The governor shall appoint a suitable person as registrar of motor vehicles. The registrar shall serve for a term of two years and until his successor is appointed and qualified, but he may be removed at any time for cause. He shall qualify by taking the oath prescribed for civil officers and shall furnish a bond in the penal sum of twenty thousand dollars, which shall conform to the provisions of law applicable to the bonds of state officers. If such bond is furnished by a surety other than the state bonding fund, it shall be approved as to form and sufficiency by the attorney general.

§ 3. AMENDMENT.) Section 39-0203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0203. POWERS AND DUTIES OF REGISTRAR AND DEPARTMENT.) The registrar, subject to the approval of the governor, may adopt and enforce such administrative rules and regulations and designate such agencies and establish such branch offices as may be necessary to carry out the provisions of this chapter. He shall provide suitable forms for applications, registration cards, license number plates, and all other forms requisite for the purposes of this chapter, and shall prepay all transportation charges thereon. The department and the officers thereof shall enforce the provisions of this chapter.

Approved March 5, 1951.

## CHAPTER 237

H. B. No. 665  
(Bubel, Wolf and Holand)  
at the request of  
(the Budget Director)

## HIGHWAY PATROL

## AN ACT

To amend and reenact sections 39-0301, 39-0302, 39-0305, 39-0306, 39-0308, 39-0309, and 39-0621 of the North Dakota Revised Code of 1943 and section 39-0303 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the state highway patrol.

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

§ 1. AMENDMENT.) Section 39-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0301. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "Superintendent" shall mean the state highway patrol superintendent;
2. "Assistant superintendent" shall mean the assistant highway patrol superintendent; and
3. "Patrolmen" shall mean the members of the highway patrol including the superintendent and assistant superintendent.

§ 2. AMENDMENT.) Section 39-0302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0302. STATE HIGHWAY PATROL SUPERINTENDENT AND ASSISTANT APPOINTED BY GOVERNOR: DUTIES.) The governor shall appoint a state highway patrol superintendent and an assistant highway patrol superintendent who shall enforce the provisions of the laws of this state relating to the protection and use of the highways in this state and the operation of motor and other vehicles upon such highways.

§ 3. AMENDMENT.) Section 39-0303 of the 1949 Supplement to the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

**39-0303. PATROLMEN: APPOINTMENT: REMOVAL: DUTIES.)**

The superintendent with the approval of the governor may appoint not more than forty patrolmen who, together with the superintendent and assistant superintendent, shall constitute the highway patrol. Such patrolmen shall enforce the provisions of the laws of this state relating to the protection and use of highways and shall patrol such highways and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways. Any patrolman, except a temporary appointee, shall be subject to removal for cause only by the state highway patrol hearing board, which shall consist of the governor, secretary of state and attorney general. The governor shall be chairman of such board. The procedure which shall govern the removal of patrolmen and the appointment and removal of temporary appointees shall be as follows:

1. Removal proceedings may be initiated by the filing of written charges against the patrolman sought to be removed, verified by the person making the same, which charges shall be filed with the governor. If, upon the filing of such charges, the governor believes that they constitute grounds for removal, he shall order a hearing thereon before the highway patrol hearing board, and shall fix the time for such hearing, otherwise he shall dismiss such charges;
2. Not less than fifteen days before the time set for the hearing, notice thereof, signed by the chairman, together with a copy of the charge or charges, shall be served on the patrolman accused, by personal service if his whereabouts is known, within the state of North Dakota, otherwise by publication in the manner provided by law for the service of summons in a civil action. The highway patrol hearing board shall have authority to hear such charge or charges and make an appropriate order in the proceedings, which order shall be filed with the governor, and, if it shall be an order of removal, it shall be served upon the person removed either personally or by registered mail within ten days after its issuance;
3. In the event the governor orders a hearing, he may, at his discretion, suspend such accused patrolman pending the final determination of the charges, and in case the charges are dismissed, such patrolman shall be reinstated without loss of salary during the period of suspension;
4. Any patrolman, who is dismissed by order of the highway patrol hearing board, may appeal to the district court of Burleigh County, which appeal shall be taken and determined in the manner provided by chapter 32 of the title judicial procedure, civil; and

5. Each patrolman appointed shall be deemed a temporary appointee for a period of nine months, during which period he shall be placed under probationary training service. At the end of such training period, such temporary appointee shall be automatically dismissed unless he receives a permanent appointment which shall be approved by the superintendent. During such training period, such temporary appointee shall be subject to dismissal at the will of the superintendent.

§ 4. AMENDMENT.) Section 39-0305 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0305. BADGE ISSUED TO PATROLMEN; CONTENTS OF BADGE.) The superintendent shall issue to each patrolman a badge of authority with the seal of this state in the center thereof. The term "North Dakota highway patrol" shall encircle such seal and below the same shall appear the designation of the position held by the person to whom such badge is issued. Each such badge shall contain a serial number, or each patrolman shall display otherwise a distinctive serial number. No badge shall be issued to any person who is not a duly appointed and acting member of the highway patrol.

§ 5. AMENDMENT.) Section 39-0306 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0306. OATH AND BOND REQUIRED OF SUPERINTENDENT, ASSISTANT SUPERINTENDENT, AND PATROLMEN.) The superintendent, assistant superintendent, and each patrolman, before entering upon the performance of his duties, shall take and file the oath prescribed by law for state officers and shall be bonded in the state bonding fund for the sum of two thousand dollars.

§ 6. AMENDMENT.) Section 39-0308 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0308. MANNER OF PAYING SALARIES, WAGES, AND EXPENSES OF HIGHWAY PATROL.) All salaries, wages, and other expenses of the highway patrol shall be paid by the state auditor and state treasurer out of the patrol fund, upon vouchers required by law for the payment of all state expenses, duly approved by the superintendent, and audited and allowed by the state auditing board.

§ 7. AMENDMENT.) Section 39-0309 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0309. POWERS OF HIGHWAY PATROL.) The superintendent and each member of the highway patrol, shall have the power:

1. Of a peace officer for the purpose of enforcing the provisions of this title relating to operators' licenses and of any other law regulating the operation of vehicles or the use of the highways;
2. To make arrests upon view and without warrant for any violation committed in his presence of any of the provisions of this title relating to operators' licenses or to other laws regulating the operation of vehicles or the use of the highways;
3. To direct traffic in conformance with law, or, in case fire or emergency and to expedite traffic, or, to insure safety by directing traffic as conditions may require notwithstanding the provisions of law;
4. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provision of this title relating to operators' licenses or of any other law regulating the operation of vehicles, to require the driver of such vehicle to stop and exhibit his operators' license and the registration card issued for the vehicle, and to submit to an inspection of such vehicle, the registration plates and registration card thereon, or to submit to an inspection and test of the equipment of such vehicle;
5. For the purpose of locating stolen vehicles and to investigate the title and registration thereof, to inspect any vehicle of a type required to be registered under the provisions of this title, in any public garage or repair shop, or in any place where such vehicles are held for sale or wrecking;
6. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways;
7. To investigate traffic accidents and secure testimony of witnesses or of persons involved;
8. To investigate reported thefts of motor vehicles, trailers, semi-trailers; and
9. To take applications for operators' licenses without making a charge therefor.

§ 8. AMENDMENT.) Section 39-0621 of the North Dakota revised code of 1943 is hereby amended and reenacted to read as follows:

39-0621. FEES COLLECTED TO BE PAID INTO STATE TREASURY; USE OF.) All moneys received under the provisions of this chapter, shall be paid monthly into the state treasury. The

state treasurer shall place such moneys in a special fund for the use of the state highway patrol in accordance with appropriations made by the legislative assembly.

Approved March 5, 1951.

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## CHAPTER 238

H. B. No. 652  
(Fitch, Bentz, Jansonius, Robinson and Beede)

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### HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

#### AN ACT

To amend and reenact chapter 39-03A of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the highway patrolmen's retirement system.

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

§ 1. AMENDMENT.) Chapter 39-03A of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-03A01. DEFINITIONS.) The following words and phrases as used in this chapter, unless a different meaning is plainly implied by the context, shall have the following meaning:

1. "Accumulated deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund, and standing to his credit in the fund, together with the regular interest thereon;
2. "Board", the North Dakota highway patrolmen's retirement board;
3. "Contributor", any person who is a member of the North Dakota highway patrol and is subject to salary deductions to support the fund;
4. "Fund", the North Dakota highway patrolmen's retirement fund;
5. "Patrol", the North Dakota highway patrol;
6. "Total disability", the degree of disability which is recognized under the workmen's compensation laws as sufficient to entitle the claimant to an award for temporary total disability;
7. "Average monthly salary", the amount, not exceeding three hundred dollars, which will be produced by divid-

ing the total compensation, before deductions, received by the contributor by the total number of months of active service served by him, or, if the contributor has not served a month of active service, then the amount of the contributor's beginning salary, not exceeding three hundred dollars.

39-03A02. NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT SYSTEM.) A retirement system is hereby established for the members of the North Dakota highway patrol.

39-03A03. NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT BOARD.) There is hereby established the North Dakota highway patrolmen's retirement board which will consist of five members, who shall be the governor, the superintendent of the North Dakota highway patrol, the attorney for the North Dakota highway patrol, and two members of the North Dakota highway patrol, to be annually elected by the said patrol.

39-03A04. ADMINISTRATIVE EXPENSES.) The expense of the administration of this chapter, exclusive of the payment of retirement allowances and other benefits, shall be paid by the state of North Dakota, by appropriation out of the highway patrol fund, made on the basis of budgets submitted by the board.

39-03A05. PAYMENTS INTO THE NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.) All appropriations made by the state of North Dakota, all contributions by members of the North Dakota highway patrol, in the amount hereinafter specified, and all interest on the increase of the investments and moneys under this account shall be paid to the state treasurer, who shall credit said payments to the North Dakota highway patrolmen's retirement fund.

39-03A06. RULES AND REGULATIONS: ACTUARIAL DATA.) The board shall, from time to time, establish such rules and regulations for the administration of this chapter as may be deemed necessary. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund.

39-03A07. MEMBERSHIP.) Every member of the North Dakota highway patrol, including the superintendent and assistant superintendent, shall be required to become a contributor to the retirement system established by this chapter on July 1, 1949, and thereafter when first becoming a member of the North Dakota highway patrol. Contributions by members under this chapter shall commence with the first payroll after July 1, 1949. If any person who becomes a member of the North Dakota highway patrol subsequent to July 1, 1949, shall have been at any

time theretofore a member of the North Dakota highway patrol, he shall receive credit for any such service prior to July 1, 1949, upon complying with the provisions of this chapter.

39-03A08. SERVICE ALLOWANCE.) In computing the length of service of contributor for retirement purposes, full credit shall be given to each contributor for each year of service rendered to the patrol including service rendered prior to July 1, 1949, upon complying with the provisions of this chapter. As soon as practicable, the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to July 1, 1949. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the contributor. The time during which a contributor is absent from service without pay shall not be counted in computing the service of a contributor unless approved by the board.

39-03A09. PAYMENTS BY CONTRIBUTORS.) Every member shall be required to contribute into the fund a sum equal to six percent of his monthly salary, but not to exceed eighteen dollars, which sum shall be deducted from his salary and credited to his account in the fund. Every member, who has been in the employ of the North Dakota highway patrol prior to July 1, 1949, shall have the option and he may elect to make payments to the date when he first entered the service of the North Dakota highway patrol. Such back payments shall not exceed three and one-half percent of the total salary which would have been earned by the contributor had he continued in the service of the patrol, and may be spread over a period of three years by having the regular payroll deduction of the contributor increased in an amount equal to the total of his back payments divided by thirty-six, which deduction increase shall be credited to such back payments owing and shall be continued until the full amount of such back payments shall have been completed. Any such deduction increase may be anticipated in part or in full by the contributor at any time and must be anticipated in full before a retirement or optional retirement allowance is granted, and, if not so anticipated and paid in full, then any retirement or optional retirement allowance to which the contributor would otherwise be entitled shall be reduced by an amount and for such time as will assure that the back payments will be returned to the fund in the same manner as if the deduction increase had been continued. Every contributor who shall elect to make such back payments shall receive full credit under this chapter for all contributions made into the fund and for all service credits to which he might thereby be entitled.

39-03A10. CONTRIBUTIONS BY THE STATE OF NORTH DAK-

OTA.) The state of North Dakota shall annually contribute to the fund a sum equal to the amount contributed by patrolmen to this fund from the driver's license fund.

39-03A11. RETIREMENT.) Each contributor whose employment with the patrol has been terminated and who has at least twenty-five years accumulated deductions may, after reaching the age of sixty years, apply to the board for the retirement allowance provided for in section 39-03A12.

39-03A12. RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A11 shall be entitled to receive from the fund for the duration of his life, a monthly retirement allowance equal to one-half of the average monthly salary paid to such contributor.

39-03A13. OPTIONAL RETIREMENT.) Each contributor whose employment with the patrol has been terminated and who has at least twenty years accumulated deductions may, after reaching the age of sixty years, apply to the board for the optional retirement allowance provided for in section 39-03A14.

39-03A14. OPTIONAL RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A13 shall be entitled to receive from the fund, for the duration of his life, a monthly optional retirement allowance equal to one-third of the average monthly salary paid to such contributor. Ten percent of the amount so calculated shall be added to the optional retirement allowance for each year of accumulated deductions of the contributor, which is in excess of twenty years but less than twenty-five years accumulated deductions.

39-03A15. DISABILITY RETIREMENT.) Each contributor who shall become totally disabled in the course of his employment with the patrol, regardless of the amount, if any, of his accumulated deductions, may apply to the board for disability retirement allowance provided for in section 39-03A16.

39-03A16. DISABILITY RETIREMENT ALLOWANCE.) Each contributor qualifying under section 39-03A15 shall be entitled to receive from the fund for the duration of the period of total disability a monthly disability retirement allowance which when added to the compensation allowance, if any, to which the contributor may be entitled under the workmen's compensation laws will equal one-half of the average monthly salary of the contributor.

39-03A17. SEVERANCE ALLOWANCE.) Each contributor who has not reached the age of sixty-five and whose employment with the patrol has been terminated and who has at least ten years but less than twenty years accumulated deductions, shall be

entitled to receive from the fund, upon making application therefor to the board, a severance allowance which shall consist of the amount of the accumulated deductions of the contributor.

39-03A18. COMPULSORY TERMINATION OF EMPLOYMENT.) Whenever any contributor shall reach the age of sixty-five years, regardless of his years of service, his employment with the patrol shall be terminated forthwith. If such contributor has at least twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly retirement allowance provided for in section 39-03A12. If such contributor has at least twenty years but less than twenty-five years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the monthly optional retirement allowance provided for in section 39-03A14. If such contributor has less than twenty years accumulated deductions he shall be entitled to receive from the fund, without application therefor, the severance allowance provided for in section 39-03A17.

39-03A19. REFUNDS IN CASE OF RESIGNATION OR DISCHARGE.) Whenever a contributor resigns of his own volition, or is discharged for cause before becoming entitled to a retirement, optional retirement, or severance allowance, then he shall be paid a refund in an amount equal to one-half his accumulated deductions.

39-03A20. PAYMENTS UPON DEATH.) If the board shall find that a contributor died as a direct and proximate result of injury received in the course of his employment, the disability retirement allowance provided for in section 39-03A16, shall be paid to his widow so long as she remains his widow and, if and when such widow dies or remarries, then to his children under eighteen years of age, while they are under eighteen years of age.

39-03A21. PAYMENTS IN CASE OF DEATH FROM NATURAL CAUSES.) Whenever a contributor, who is receiving or is entitled to receive a retirement, optional retirement, or disability retirement allowance, dies leaving a surviving wife or children such allowance shall be paid first, to the surviving wife so long as there are surviving children under eighteen years of age, or, if there is no surviving wife, to the surviving children under eighteen years of age, second, to the unmarried surviving wife after she reaches the age of sixty years, providing she has not remarried since the death of the contributor. Whenever a contributor, who is entitled to receive either a severance allowance or a refund, dies leaving a surviving wife or children such severance allowance or refund shall be paid to the surviving wife, or, if there is no surviving wife to the surviving children.

39-03A22. PAYMENTS OF ALLOWANCES.) The allowances granted under the provisions of this chapter shall not be increased, decreased, revoked or repealed unless by act of the legislative assembly of the state of North Dakota.

39-03A23. EXEMPTIONS FROM TAXES AND EXECUTIONS.) Any money received or to be paid as a retirement, optional retirement or disability retirement allowance, or severance allowance, or the right to any of these, shall be exempt from any state or municipal tax and from levy, sale, garnishment, attachment or any other process whatsoever and shall be unassignable.

39-03A24. SERVICE IN THE ARMED FORCES OF THE UNITED STATES.) Any member of the North Dakota highway patrol now in or hereafter inducted into the armed forces of the United States, shall have the option:

1. To continue his payments into the fund; or
2. Allow the board to make his payments for him during such military service, in which event he shall repay the fund the full amount of such payments upon his return to the North Dakota highway patrol, and such payments must be made within three years after his return to the patrol in the same manner as provided in section 39-03A09 provided that a member's service in the armed forces of the United States shall be credited to and made a part of the member's service.

39-03A25. FRAUD; CORRECTION OF ERRORS.) No person shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system. Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or other beneficiary receiving more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the board shall correct such error and shall adjust the payments which shall be made to the contributor in such manner that the benefit to which he was correctly entitled shall be paid. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be

39-03A26. PAYMENTS UNDER OTHER LAWS.) All payments provided for in this chapter are in addition to any other benefits now or hereafter provided for under the workmen's compensation laws of the state of North Dakota, except as provided in section 39-03A15.

Approved March 5, 1951.

## CHAPTER 239

H. B. No. 668  
(Benson, Halcrow and Sailer)

## DEFINING "DEALER"

## AN ACT

To amend and reenact Sub-section 1 of Section 39-0401 of the 1949 Supplement to the North Dakota Revised Code of 1943, defining the word "Dealer".

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

§ 1. AMENDMENT.) Sub-section 1 of Section 39-0401 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-0401. 1. "Dealer" shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, or who advertises, or holds himself out to the public as engaged in the buying, selling or exchanging of motor vehicles, or who engages in the buying of motor vehicles for resale.

Approved March 7, 1951.

## CHAPTER 240

S. B. No. 171  
(Day and Streibel)

## REGISTRATION FEE FOR CERTAIN DISABLED VETERANS

## AN ACT

To amend and reenact section 39-04041 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to license registration of motor vehicles owned by disabled veterans receiving vehicles under Public Law 663.

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

§ 1. AMENDMENT.) Section 39-04041 of the 1949 Supple-

ment to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-04041. REGISTRATION FEE FOR CERTAIN DISABLED VETERANS.) Any disabled veteran owning an automobile under the provisions of Public Law 663 of the 79th congress of the United States shall have said vehicle and any one vehicle subsequently owned by him exempt from the payment of the registration fee provided for in chapter 39-04 of the North Dakota Revised Code of 1943, except that one dollar shall be charged for each set of such plates and registration on one motor vehicle owned and operated by him for his natural life. Motor vehicle as used in this section shall mean a passenger automobile or a pickup truck of not exceeding ten thousand pounds gross weight. The motor vehicle registrar, after consultation with the state department of the disabled American veterans shall adopt and issue a special emblem or license plate which shall be furnished and may be used on such motor vehicles. Such special license plates shall not be transferable and the registration of any vehicle under this section shall expire upon transfer or sale.

Approved February 28, 1951.

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## CHAPTER 241

H. B. No. 553  
(Legislative Research Committee)  
at the request of  
(The Motor Vehicle Department)

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### MOTOR VEHICLE REGISTRATION FEES, WHEN DUE AND DELINQUENT

#### AN ACT

To amend and reenact section 39-0417 of the North Dakota Revised Code of 1943, relating to due and delinquent dates for motor vehicle license registration fees.

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

§ 1. AMENDMENT.) Section 39-0417 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0417. WHEN REGISTRATION FEES BECOME DUE AND DELINQUENT.) The registration fee for a motor vehicle shall become due as soon as such vehicle first is used upon the highways

of this state and upon January first in each year thereafter. The annual registration fee shall be paid upon transfer of ownership in the vehicle and in any event on or before February first, and shall be delinquent after February first unless paid. Except as otherwise provided in this chapter, license fees falling due between February first and December thirty-first shall become delinquent upon the expiration of five days after the same become due.

Approved February 8, 1951.

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## CHAPTER 242

H. B. No. 770

(A. C. Langseth, Leet. Skaar, Einarson, Pederson,  
Dickey, Callahan, C. A. Anderson)

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### CERTAIN EXEMPTIONS FROM MOTOR VEHICLE REGISTRATION FEES; AUTHORIZING RECIPROCAL AGREEMENTS

#### AN ACT

To amend and reenact section 39-0421 of the 1949 Supplement to the North Dakota Revised Code of 1943, providing for the exemption from registration fees of certain motor vehicles, and authorizing reciprocal agreements.

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

§ 1. AMENDMENT.) Section 39-0421 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0421. MOTOR VEHICLES EXEMPT FROM REGISTRATION FEES; RECIPROCAL USE OF STATE HIGHWAYS BY FOREIGN LICENSED MOTOR VEHICLES.) All motor vehicles owned and operated by this state or by any of its subdivisions shall be required to register and display number plates on such vehicles. Such vehicles shall be exempt from payment of all registration fees provided for in this chapter, except that one dollar shall be charged for each set of number plates issued, to cover the cost of such plates and registration. Provided, that any motor vehicle, truck, tractor, truck-tractor, semi-trailed and trailer registered in any state of the United States, the District of Columbia, or any foreign province, state or county, which vehicle carries the number plates indicating such registration and licensing in such foreign state, and which vehicle is not engaged, operated or used in intrastate

commerce within this state, may be operated over the highways of the state of North Dakota without being registered or licensed in this state, during the year of such foreign registration and licensing, where such state, district or foreign province or state allows any motor vehicle, truck, tractor, truck-tractor, semi-trailer and trailer registered and licensed in this state to be operated tax free upon its streets and highways under conditions substantially as favorable to residents of North Dakota as are granted herein to nonresidents; provided further that any one who desires to take advantage of the reciprocity provisions of this chapter shall make application in duplicate to the North Dakota public service commission, giving the point of entry and routes of travel within the state and receive a permit which shall be furnished without cost. The public service commission shall transmit one copy of such application to the highway commissioner prior to issuance of such permit; provided further, that the owner of such motor vehicle has not moved to the state of North Dakota, in which case the vehicle must be registered for the remainder of the calendar year as provided by the provisions of this chapter. With respect to fleets of two or more commercial vehicles owned by North Dakota residents or non-reident which are engaged regularly in interstate movement, the motor vehicle registrar may enter into agreements with other states to apportion the licensing of such fleets between North Dakota and such other states. The percentage of miles the fleets subject to this section operate in North Dakota as related to the total miles such fleets operate shall be used by the motor vehicle registrar to determine the percentage of the total number of vehicles in such fleets which must be licensed in North Dakota. The motor vehicle registrar may require the fleet owners subject to this section to submit under oath such information or to keep such records as the motor vehicle registrar deems necessary for the proper carrying out of the provisions of this section.

Approved March 9, 1951.

## CHAPTER 243

H. B. No. 551  
 (Legislative Research Committee)  
 at the request of  
 (The Motor Vehicle Department)

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 FEES FOR PASSENGER MOTOR VEHICLES

## AN ACT

To amend and reenact section 39-0422 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to license registration fees for passenger motor vehicles, and providing for an effective date.

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

§ 1. AMENDMENT.) Section 39-0422 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0422. FEES FOR PASSENGER MOTOR VEHICLES.) The fees to be paid for registration, reregistration, and operation on all passenger motor vehicles, including hearses and ambulances, except motorcycles, shall be based on the manufacturer's weights of such vehicles and the years of registration as follows:

## YEARS REGISTERED

Weight	1st, 2nd, & 3rd yrs.	4th, 5th, & 6th yrs.	7th, 8th, & 9th yrs.	10th & Subse- quent yrs.
2399 or less	\$15.00	\$12.00	\$ 9.00	\$ 6.00
2400-2799	20.00	16.00	12.00	8.00
2800-3199	25.00	20.00	15.00	10.00
3200-3599	30.00	24.00	18.00	12.00
3600-3999	35.00	28.00	21.00	14.00
4000-4499	45.00	36.00	27.00	18.00
4500-4999	60.00	48.00	36.00	24.00
5000-5999	85.00	68.00	51.00	34.00
6000-6999	110.00	88.00	66.00	44.00
7000-7999	135.00	108.00	81.00	54.00
8000-8999	160.00	128.00	96.00	64.00
9000 & Over	185.00	148.00	111.00	74.00

§ 2. EFFECTIVE DATE.) This Act shall take effect on January 1st, 1952.

Approved March 5, 1951.

## CHAPTER 244

H. B. No. 552

(Legislative Research Committee)  
at the request of  
(The Motor Vehicle Department)

FEES FOR COMMERCIAL AND NON-COMMERCIAL TRUCKS  
AN ACT

To amend and reenact section 39-0424 of the 1949 Supplement to the North Dakota Revised Code of 1943, section 39-0444 of the North Dakota Revised Code of 1943 and to repeal sections 39-0443 and 39-0453 of the North Dakota Revised Code of 1943, as amended, relating to license fees for commercial and non-commercial trucks, and providing for an effective date.

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

§ 1. AMENDMENT.) Section 39-0424 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0424. FEES FOR COMMERCIAL AND NON-COMMERCIAL TRUCKS.) All commercial and non-commercial trucks, except vehicles for the transportation of passengers, shall pay the following registration fees:

GROSS WEIGHT	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, 6th, 7th & Subsequent years	years	years	years
4,000	\$15.00	\$12.00	\$ 9.00	\$ 4.00
6,000	20.00	16.00	12.00	6.00
8,000	25.00	20.00	15.00	8.00
10,000	30.00	24.00	18.00	10.00
12,000	35.00	28.00	21.00	12.00
14,000	40.00	32.00	24.00	14.00
16,000	45.00	36.00	27.00	16.00
18,000	50.00	40.00	30.00	18.00
20,000	55.00	44.00	33.00	20.00
22,000	60.00	48.00	36.00	22.00
24,000	65.00	52.00	39.00	24.00
26,000				
	1st, 2nd, & 3rd yrs.	4th, 5th, & 6th yrs.		7th & Subsequent years
30,000	100.00	90.00		75.00
32,000				
36,000	200.00	175.00		150.00
38,000				
44,000	400.00	350.00		300.00

46,000			
54,000	700.00	650.00	600.00
57,000	825.00	775.00	725.00
60,000	950.00	900.00	850.00

§ 2. AMENDMENT.) Section 39-0444 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0444. REGISTERED MOTOR VEHICLE TRANSPORTING PROPERTY MAY CHANGE REGISTRATION TO HIGHER GROSS WEIGHT.) Any owner of a motor vehicle transporting property who has licensed such vehicle any gross weight limitations, may change such registration to a higher gross weight limitation, by the payment of the difference between the fee required for the new registration and the fee paid for the registration under which the vehicle is being operated. If such owner makes an application for such change of registration subsequent to July first of any year, he shall pay fifty percent of the additional increase in license fees and after October first of any year, twenty-five percent of such increase. In no event shall such fee be less than three dollars.

§ 3.) School busses used in the transportation of school children, other than those busses eligible for an official registration, shall be registered under this truck schedule and shall not be required to pay any other annual fees.

§ 4. REPEAL.) Sections 39-0443 and 39-0453 of the North Dakota Revised Code of 1943, as amended, are hereby repealed.

§ 5. EFFECTIVE DATE.) This Act shall take effect on January 1, 1952.

Approved March 9, 1951.

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## CHAPTER 245

S. B. No. 47  
(Legislative Research Committee)  
at the request of  
(Motor Vehicle Department)

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### HOUSE TRAILER LICENSE AND REGISTRATION: EXCEPTION AN ACT

To amend and reenact sections 39-0439 and 39-0529 of the North Dakota Revised Code of 1943, relating to licensing and registering house trailers hauled upon the highways of this state.

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

§ 1. AMENDMENT.) Section 39-0439 of the North Dakota

Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0439. HOUSE TRAILER TO BE LICENSED AND REGISTERED; EXCEPTION; FEE.) No person shall haul a house trailer on the highways of this state unless a certificate of title has been issued for such trailer and it displays a number plate issued by and under such regulations as the registrar may prescribe. The fee for such number plate shall be fifty cents for each foot in length of the trailer. If such trailer enters the state carrying the current number plate of another state, no number plate shall be required by this state for a period of thirty days.

§ 2. AMENDMENT.) Section 39-0529 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0529. REGISTRATION OF HOUSE TRAILERS; PROVISIONS OF CHAPTER NOT APPLICABLE TO TRAILERS OR SEMI-TRAILERS LESS THAN FIFTY DOLLARS IN VALUE.) Certificates of title for house-trailers hauled upon the highways of this state shall be issued by and under such regulations as the registrar shall prescribe. The fee for each such certificate shall be one dollar but the provisions of this chapter shall not apply to any trailer or semi-trailer the value of which is less than fifty dollars.

Approved February 28, 1951.

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## CHAPTER 246

H. B. No. 800

(Einarson, Roen, Bubel and Anderson - Ransom)

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### FEE ON MOTOR VEHICLES ENGAGED IN TRANSPORTATION OF PROPERTY; DISTINCTIVE TAGS; EXEMPTIONS; PENALTIES

#### AN ACT

To levy a fee on motor vehicles engaged in the transportation of property; providing for issuance of distinctive tags; making exemptions from the provisions of this Act, providing penalties for the violation thereof, and providing for an effective date period.

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

§ 1. DEFINITIONS.) As used in this Act:

1. "Motor vehicle" shall mean and include any motor driven truck, or combination of truck and trailer or semi-trailer,

used upon any public highway of the state for the purpose of transporting property;

2. "Person" shall include an individual, firm, copartnership, corporation, company, association, and any lessee, trustee, or receiver; and
3. "Public highway" shall mean every public street, alley, road, highway, or throughfare of any kind used by the public.

§ 2.) There is hereby levied on motor vehicles engaged in the transportation of property, an annual fee which shall be in addition to the license fee paid to the motor vehicle registrar for the licensing of such motor vehicles. Such fees shall be due on January first of each year and shall be payable to the auto transportation division of the public service commission and deposited with the state treasurer to the credit of the auto transportation fund. The provisions of this Act shall be administered by the public service commission, which shall have authority to promulgate rules and regulations to carry out the provisions of the Act.

§ 3.) The motor vehicle registrar shall furnish to the public service commission without cost distinctive tags which shall be numbered consecutively. The tags issued pursuant to this Act shall be transferable:

1. By the owner to motor vehicles which replace motor vehicles of the same registered gross weight;
2. By an owner to another owner subject to the provisions of this Act.

§ 4. FEES.) Such annual fees shall be based on the gross weight for which the motor vehicle is licensed by the motor vehicle registrar and shall be in the following amount:

1. Motor vehicles licensed for a gross weight of twenty-four thousand pounds or less, three dollars per net ton; and
2. Motor vehicles licensed for a gross weight in excess of twenty-four thousand pounds, five dollars per net ton.

The minimum fee shall be ten dollars for each motor vehicle. The fee for motor vehicles placed in service after June 30th and before September 30th shall be one-half of the annual fee, after September 30th, one-fourth of the annual fee.

§ 5.) Fees shall be delinquent on February 1st after which a penalty of ten cents per day shall apply, provided that total penalty shall not exceed ten dollars.

§ 6. EXCEPTIONS.) This Act shall not apply:

1. To the transportation of property between farms and the usual local trading places or between farms locally;

2. To a farmer transporting his own livestock or commodities from his farm with his own truck to any village, market, or place where such livestock and commodities are to be sold, stored, or otherwise disposed of, as well as the transporting of supplies from any village, city, or place where same is purchased or acquired to his farm where such supplies are to be used, consumed, or processed; or
3. To the transportation of property within the city or village limits or not to exceed two miles from the corporate or recognized limit of such city or village.

§ 7. PENALTY FOR VIOLATION OF PROVISIONS OF ACT.) Any person violating any of the provisions of this Act, for which another penalty is not specifically provided, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 8. EFFECTIVE DATE.) This Act shall take effect on January 1, 1952.

Approved March 9, 1951.

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## CHAPTER 247

H. B. No. 667  
(Benson, Sailer and Halcrow)

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### MOTOR VEHICLE DEALERS LICENSES; FEES; ADDITIONAL NUMBER PLATES

#### AN ACT

To amend and reenact Section 39-0459 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the issuance of motor vehicle dealer's license; fees to be paid; providing for issuance of dealer's plates and the qualifications.

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

§ 1. AMENDMENT.) Section 39-0459 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0459. MOTOR VEHICLE DEALERS LICENSES; FEES; ADDITIONAL NUMBER PLATES.) It shall be unlawful for any person, partnership or corporation to engage in the business of buying, selling or exchanging of motor vehicles, or to advertise or hold himself out to the public as engaging in the buying, selling or exchanging of motor vehicles, or to engage in the buying of motor vehicles for resale, unless he possesses a current dealer's license

for which he shall pay a license fee of twenty-five dollars (\$25.00) per year, and with which shall be issued one set of dealer's plates. 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 motor cycle dealer shall pay a license fee of five dollars (\$5.00) for each set of motorcycle number plates issued to him. Application 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 facilities and equipment for the maintenance, servicing and repair of motor vehicles. An established place of business when used in this Act (section) 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 (section). 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.

Approved March 9, 1951.

## CHAPTER 248

H. B. No. 550  
(Legislative Research Committee)  
at the request of  
(Motor Vehicle Department)

DEALERS LIST OF USED CARS TO BE FILED WITH  
REGISTRAR; FEES

## AN ACT

To amend and reenact section 39-0462 of the North Dakota Revised Code of 1943, relating to licensing of used motor vehicles.

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

§ 1. AMENDMENT.) Section 39-0462 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0462. DEALER TO FILE LIST OF USED CARS WITH REGISTRAR; FEES PAID ON USED CARS BY DEALER.) On or before February fifth of each year, a licensed dealer shall file with the registrar a list and a description of all used cars on hand on February first of such year. Such used cars need not be licensed until July first unless they are sold before that date. After July first, each used car on hand must be licensed at the full annual license fee but without penalty. Any used car taken in by a dealer after July first of any year, which carries the current year's number plates of another state, if sold within the state, shall be required to pay one-half of the regular fee, and if any such car taken in after October first of any year is sold, one-fourth of the regular fee shall be paid.

Approved February 9, 1951.

## CHAPTER 249

S. B. No. 45  
(Legislative Research Committee)  
at the request of  
(Motor Vehicle Department)

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REPEAL MOTOR VEHICLE TITLE TRANSFER BY OPERATION  
OF LAW, ETC.

## AN ACT

To repeal section 39-0464 of the North Dakota Revised Code of 1943, relating to motor vehicle license registration as affected by transfer of title.

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

§ 1. REPEAL.) Section 39-0464 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 3, 1951.

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CHAPTER 250

S. B. No. 44  
(Legislative Research Committee)  
at the request of  
(Motor Vehicle Department)

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MOTOR VEHICLE TITLE REGISTRATION TRANSFERS

## AN ACT

To amend and reenact section 39-0517 of the 1949 Supplement to the North Dakota Revised Code of 1943, and to repeal section 39-0518 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to motor vehicle title registration transfers.

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

§ 1. AMENDMENT.) Section 39-0517 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0517. TRANSFER OF TITLE OF VEHICLE; ENDORSEMENT REQUIRED: CERTIFICATE OF TITLE DELIVERED; NEW CERTIFICATE OBTAINED; PENALTY.) The owner of a motor vehicle who sells or transfers his title to such vehicle shall endorse an assignment

and warranty of title upon the certificate of title for such vehicle, with a statement of all liens or encumbrances thereon, which statement shall be verified under oath by the owner. The owner shall deliver the certificate of title to the purchaser if title passes to the purchaser. If the legal title does not pass to the purchaser under the terms of the contract for sale of the vehicle, the legal title owner shall endorse thereon the amount of his lien, the date thereof and the name of the purchaser, and shall send the certificate of title to the motor vehicle registrar with an application of the purchaser for a new certificate of title showing the name of the legal owner, the registered owner, the amount and date of the lien of the legal owner, which certificate of title when issued shall be returned by the motor vehicle registrar to the legal title owner, who shall retain the same in his possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied he shall deliver the certificate of title properly assigned to the purchaser. The purchaser or transferee shall present the endorsed and assigned certificate to the department, accompanied by a transfer fee of one dollar, and shall make an application for and obtain a new certificate of title for such vehicle. A violation of the provisions of this section shall constitute a misdemeanor.

§ 2. REPEAL.) Section 39-0518 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 3, 1951.

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## CHAPTER 251

S. B. No. 91  
(Leno, Haag, Geelan)

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### PROTECTION OF BLIND OR INCAPACITATED PEDESTRIANS

#### AN ACT

To protect blind or incapacitated pedestrians; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians, and providing a penalty.

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

§ 1.) No person on any public street or highway, unless such person is totally or partially blind, or is otherwise incapacitated, shall carry in a raised or extended position any cane or walking stick which is white in color, or white tipped with red.

§ 2.) Whenever any pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog, or carrying in a raised or extended position a cane or walking stick which is white in color, or white tipped with red, the driver of every vehicle approaching the intersection, or other place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

§ 3.) Nothing contained in this Act shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick, or not being guided by a dog, of any of the rights or privileges conferred by law upon pedestrians, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways, or sidewalks of this state, be held to constitute or be evidence of contributory negligence.

§ 4.) Any person violating any of the provisions of this Act, shall be punished by a fine of not to exceed twenty-five dollars.

Approved February 23, 1951.

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## CHAPTER 252

S. B. No. 46

(Legislative Research Committee)  
at the request of  
(Motor Vehicle Department)

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### APPROVAL OF MOTOR VEHICLE LAMPS AND DEVICES BY REGISTRAR

#### AN ACT

To amend and reenact sections 39-1113, 39-1114 and 39-1115 of the North Dakota Revised Code of 1943 and to repeal sections 39-1110 and 39-1116 of the North Dakota Revised Code of 1943, relating to approval of motor vehicle lamps and devices.

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

§ 1. AMENDMENT.) Section 39-1113 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1113. SELLING, OFFERING FOR SALE, OR USING LAMP ON MOTOR VEHICLE PROHIBITED UNLESS APPROVED BY REGISTRAR.)

No person shall sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use upon a motor vehicle upon a highway, any electric head lamp or any auxiliary driving lamp, rear lamp, or signal lamp, unless of a type which complies with the provisions of this chapter and which has been submitted to the registrar and approved by him.

§ 2. AMENDMENT.) Section 39-1114 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1114. DUTY OF REGISTRAR REGARDING LAMPS.) With reference to head lamps, auxiliary driving lamps, rear lamps, and signal lamps, the registrar shall:

1. Adopt and enforce standard specifications as to the amount, color, and direction of light to be emitted by such lamps for compliance with the requirements and limitations set forth in this chapter;
2. Establish procedure which shall be followed when any such lamp is submitted for approval; and
3. Determine whether such lamps submitted to him will comply with the requirements of this chapter and the specifications adopted by him.

§ 3. AMENDMENT.) Section 39-1115 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1115. SUBMITTING LAMP TO REGISTRAR FOR APPROVAL.) Any person, firm, or corporation desiring the approval of a lighting device or lamp for a motor vehicle shall submit to the registrar such device or lamp upon which an approval is desired, together with a fee of twenty-five dollars for each type of head lamp and auxiliary driving lamp and a fee of ten dollars for each type of rear lamp or signal lamp submitted. The registrar may refuse the approval of any device which he determines will be unsafe or impracticable in actual use or which would fail to comply with the provisions of this chapter.

§ 4. REPEAL.) Sections 39-1110 and 39-1116 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 5, 1951.

## CHAPTER 253

H. B. No. 611

(Laske, Langseth (Richland), Wollitz, Mollet, Wadeson and Wolf)

## MOTOR VEHICLE TURN SIGNALS REQUIRED, WHEN

## AN ACT

Requiring new motor vehicles to be equipped with turn signals.

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

§ 1.) On or after January 1, 1952, no person shall sell or offer to sell any new motor vehicle unless it is equipped with turn signals of a type approved by the motor vehicle registrar, under the provisions of title 39, of the North Dakota Revised Code of 1943.

Approved February 24, 1951.

## CHAPTER 254

S. B. No. 117

(Olson, Leno, Anderson and Pyle)

WIDTH, HEIGHT AND LENGTH LIMITATIONS OF  
MOTOR VEHICLES

## AN ACT

To amend and reenact subsections 1, 2 and 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, relating to width, height, and length limitations of motor vehicles.

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

§ 1. AMENDMENT.) Subsections 1, 2 and 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, be and the same is hereby amended and reenacted to read as follows:

39-1204. WIDTH, HEIGHT, AND LENGTH LIMITATIONS ON VEHICLES; EXCEPTIONS.) Vehicles operated on a highway in this state shall not exceed the following width, height, or length limitations:

1. A total outside width, including load thereon, of eight feet. This limitation shall not apply to construction and

building moving contractor's equipment, or to equipment used by such contractors to move their own equipment and when so moved by its owner or owners, the moving equipment shall not exceed ten feet, nor to implements of husbandry temporarily propelled or moved upon the highways of this state between sunrise and sunset:

2. A height of twelve feet six inches whether loaded or unloaded:
3. A length, including the load thereon, of thirty-five feet, except buses which when equipped with three axles shall not exceed a length of forty feet. Any bus in excess of thirty-five feet in length must be equipped with drinking water and toilet facilities. No combination of vehicles, including the load thereon, shall exceed a length of forty-five feet, except that construction and building moving contractors moving their own equipment or equipment used by them to move their own equipment may exceed the combined length of forty-five feet, but the same shall not exceed the combined length of sixty feet, except that building movers may exceed the combined length of sixty feet, nor shall the sixty foot length limitation apply to the transportation of empty equipment of building moving contractors. 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 vehicles engaged in interstate commerce which do not come into the state of North Dakota a distance greater than twenty miles from the boundary of said state on any given trip and which do not travel on the highways of this state a distance of more than forty miles on said trip; provided, that any person so engaged in interstate commerce, desiring to enter the state for a distance of not to exceed twenty miles as herein provided, shall make application to the North Dakota highway commissioner for a permit so to do, which permit shall be furnished in the discretion of the commissioner and without cost, and shall cover such period of time as the commissioner in his discretion shall determine, 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. All axles shall have adequate acting brakes and all tandem axles must be so constructed and installed so that a vertical movement of either axle in an amount of not to exceed 3 inches will not alter the load imposed on the axle by more than 1500 pounds.

Approved March 3, 1951.

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## CHAPTER 255

S. B. No. 88

(Strand, Krenz, Olson and Torno)

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### SIZE, HEIGHT AND CONSTRUCTION RESTRICTIONS ON MOTOR VEHICLES; PERIOD JULY 1, 1951 to JULY 1, 1953; PENALTIES

#### AN ACT

Relating to size, weight, and construction restrictions on motor vehicles; providing standards and conditions for the period between July 1, 1951 and July 1, 1953; and providing for penalties.

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

§ 1.) Any person who shall drive or move, or any owner who shall cause or knowingly permit to be driven or moved, on any highway, any vehicle or vehicles of a weight exceeding the limitations stated in chapter 39-12 of the North Dakota Revised Code of 1943, as amended, after July 1, 1951 and prior to July 1, 1953 shall be guilty of a misdemeanor and shall be punished as follows:

1. A fine of one cent per pound for each pound of excess load over one thousand pounds when the excess is two thousand pounds or less;
2. A fine of two cents per pound for each pound of excess load when the excess exceeds two thousand pounds and is three thousand pounds or less;
3. A fine of four cents per pound for each pound of excess load when the excess exceeds three thousand pounds and is four thousand pounds or less;
4. A fine of six cents per pound for each pound of excess load

when the excess exceeds four thousand pounds and is five thousand pounds or less; and

5. A fine of ten cents per pound for each pound of excess load when the excess exceeds five thousand pounds or more.

Such fines as are imposed under this section shall not be suspended. The maximum size and weight of vehicles specified in chapter 39-12 of the North Dakota Revised Code of 1943, as amended, and a five percent length tolerance applicable only to the length limitations of subsection 3 of section 39-1204 of the North Dakota Revised Code of 1943, as amended, shall be lawful throughout this state for the period from July 1, 1951 to July 1, 1953 except as limitations may be imposed by virtue of specifications made pursuant to the other provisions of chapter 39-12 of the North Dakota Revised Code of 1943, as amended. This section shall not be construed to constitute either an amendment or a repeal of the provisions of chapter 39-12 of the North Dakota Revised Code of 1943, as amended, but as authorizing and providing additional standards and conditions for the period between July 1, 1951 and July 1, 1953 and for this period only.

Approved March 8, 1951.

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## CHAPTER 256

S. B. No. 252  
(Delayed Bills Committee)

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### SUSPENSION OF DRIVER'S LICENSE; EXCEPTIONS AN ACT

To amend and reenact Section 39-1606 of the 1949 Supplement to the North Dakota Revised Code of 1943, also known as Section 6 of Chapter 256 of the Session Laws of 1947, relating to the suspension of driver's license.

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

§ 1. AMENDMENT.) Section 39-1606 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

39-1606. REQUIREMENTS AS TO SECURITY AND SUSPENSION DO NOT APPLY, WHEN.) The requirements as to security and suspension in section 5 of this Act (39-1605) shall not apply:

1. To the driver or owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such driver or owner;

2. To the driver or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing or parked and whether attended or unattended, except that the requirements of this chapter shall apply in the event the commissioner determines that any such stopping, standing or parking of the vehicle was illegal or that the vehicle was not equipped as required by the laws of this state and that any such violation contributed to the accident;
3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or parked by a person who has been operating such motor vehicle without such permission;
4. If prior to the date that the commissioner would otherwise suspend license or non-resident's operating privilege under section 5 of this Act (39-1605), there shall be filed with the commissioner evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.
5. To the driver or the owner of a motor vehicle involved in an accident, unless the person or corporation injured or damage in such accident shall within sixty (60) days after the accident file with the commissioner a notice in writing signifying an intention to make a claim against such owner or driver, because of damages sustained in such accident.

Approved March 9, 1951.

## CHAPTER 257

H. B. No. 586  
(Legislative Research Committee)

INVESTMENT OF UNSATISFIED JUDGMENT FUND;  
APPROPRIATION OF INTEREST; REPAYMENT

## AN ACT

To amend and reenact section 39-1702 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the unsatisfied judgment fund, authorizing the investment of moneys in the fund and appropriating interest and repayment to the fund.

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

§ 1. AMENDMENT.) Section 39-1702 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1702. UNSATISFIED JUDGMENT FUND ESTABLISHED; WHEN COLLECTION OF FEE SUSPENDED.) The fees paid pursuant to section 39-1701 shall be deposited with the state treasurer, who shall credit the same to a special fund which shall be known as the "unsatisfied judgment fund". The treasurer, when authorized by the state industrial commission, may invest moneys of the fund in bonds of the United States, bonds of the state of North Dakota or any other state, or certificates of indebtedness of the state of North Dakota, or in bonds or certificates of indebtedness of any political subdivision of the state of North Dakota, which constitute general obligations of the issuing taxing authority or may deposit moneys of the fund upon time certificates of deposit in the Bank of North Dakota. This section shall constitute a continuing appropriation out of the fund of all moneys required for the making of such investments. All income from such investments and all sums received as repayments are hereby appropriated and shall be credited to the fund. If on the 31st day of December in any year the amount of such fund exceeds \$175,000.00, the requirement for the payment of such fee shall be suspended during the succeeding year and until such year in which, on the 1st day of January, the amount of such fund is less than \$100,000.00, when such fee shall be reimposed and collected as provided herein.

Approved March 5, 1951.

## CHAPTER 258

H. B. No. 585

(Legislative Research Committee)

RECOVERY FROM UNSATISFIED JUDGMENT FUND WHEN  
LIABILITY FOR BODILY INJURY OR DEATH CANNOT  
BE DETERMINED

## AN ACT

Authorizing recovery from the unsatisfied judgment fund where motor vehicle accidents cause bodily injury or death and the person or persons who might be liable cannot be ascertained.

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

§ 1.) When bodily injury to, or the death of, any person who is a resident of this state is occasioned by or arises out of an accident caused by the operation, maintenance, or use of a motor vehicle in this state and the identity of the person or persons against whom an action might be brought for the recovery of damages for the bodily injury or death resulting from the accident can not be ascertained, any person who would be entitled to bring such action to recover damages may bring an action in the district court of the county in which the accident occurred within six months from the date of the accident against the state unsatisfied judgment fund, by service upon the state highway commissioner, for the recovery of such damages from such fund, provided notice of such accident was given to some police officer immediately after the accident occurred and the name of such officer shall be alleged in the complaint. No payment shall be made from the fund in satisfaction on any judgment obtained in such action in excess of five thousand dollars, exclusive of costs, for bodily injury to, or the death of, any one person, nor in excess of ten thousand dollars for any one accident.

§ 2.) Nothing in this Act shall limit the liabilities or remedies of any person on the cause of action, growing out of the accident for which suit was brought against the fund but the fund shall be subrogated pro tanto to the rights of any person who has obtained judgment under the provisions of this Act, to the extent that the fund has made payment in satisfaction thereof.

Approved March 7, 1951.

## CHAPTER 259

H. B. No. 587

(Legislative Research Committee)

NOTICE OF PAYMENT FROM UNSATISFIED JUDGMENT FUND  
ON DEFAULT JUDGMENT; ATTORNEY GENERAL  
APPEARANCE AND DEFENSE

## AN ACT

To amend and reenact section 39-1704 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the unsatisfied judgment fund, requiring notice if payment from the fund is to be based upon a default judgment; and authorizing appearance and defense by the state.

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

§ 1. AMENDMENT.) Section 39-1704 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1704. ATTORNEY GENERAL MAY APPEAR.) The provisions of section 39-1703 shall not apply in the case of any judgment entered by default, unless the state highway commissioner and the attorney general have been given at least thirty days notice prior to the entry of such judgment, to which notice shall be attached a copy of the summons and complaint. Upon receipt of such notice, the attorney general may enter an appearance, file a defense, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defedant, and may thereupon, on behalf and in the name of the defendant, conduct his defense, and all acts done in accordance therewith shall be deemed to be acts of the defendant. The attorney general may appear and be heard on any application for payment from the fund and may show cause, if any there be, why the order applied for should not be made.

Approved February 8, 1951.

## MUNICIPAL GOVERNMENT

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### CHAPTER 260

S. B. No. 73

(Legislative Research Committee)

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#### CITY AND VILLAGE CONTRACTS FOR ELECTRICAL ENERGY OR GAS AN ACT

To amend and reenact section 40-0505 of the North Dakota Revised Code of 1943, relating to city and village contracts for electrical energy or gas.

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

§ 1. AMENDMENT.) Section 40-0505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0505. CITIES AND VILLAGES MAY CONTRACT FOR ELECTRICAL ENERGY OR GAS.) The governing body of any city or village may enter into a contract with any person, partnership, association, corporation or the United States or any department or agency thereof to provide for:

1. The furnishing of electrical energy or gas to the inhabitants of the city or village and to the city or village for all purposes; or
2. The sale to and the purchase by the city or village, for a term of not to exceed ten years, of electrical energy or gas required for city or village purposes.

The making and execution of any such contract must be authorized by a resolution of the governing body adopted by a majority of the members thereof at a regularly assembled meeting of such body. Nothing contained in this section shall deprive the public service commission of any of its regulatory powers with reference to contract rates.

Approved February 27, 1951.

## CHAPTER 261

H. B. No. 726  
(Fleck)

ASSESSMENT OF COSTS OF GENERAL WELFARE WORK  
BY MUNICIPALITIES

## AN ACT

To amend and reenact section 40-05011 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to assessment of costs of work done by municipalities for general welfare.

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

§ 1. AMENDMENT.) Section 40-05011 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40 05011. ASSESSMENT OF COSTS OF WORK DONE NECESSARY FOR THE GENERAL WELFARE.) Whenever it becomes necessary for the general welfare, public health, fire protection or public safety to order an owner or occupant of property to do certain work provided for by ordinance, and such owner or occupant refuses to conduct or comply with such order, the work may be done by the municipality and the owner or occupant of such property billed for the same by the municipality, or whenever a municipality for the general welfare, public health, fire protection or public safety establishes by ordinance and maintains and operates a garbage and rubbish collection and removal system, the cost of such service may be charged to the owner or occupant of the property served. If such bill is not paid when due, the amount thereof may be assessed against the premises on which such work is done, or for which the service is rendered, and collected and returned in the same manner as other municipal taxes are assessed, certified, collected, and returned.

Approved March 1, 1951.

## CHAPTER 262

S. B. No. 188  
(Bridston and Shure)

POWERS OF GOVERNING BODY; DUTIES OF CITY MANAGER  
UNDER CITY MANAGER PLAN OF GOVERNMENT

## AN ACT

To amend and reenact sections 40-1006 of the North Dakota Revised Code of 1943 relating to the city manager plan of government.

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

§ 1. AMENDMENT.) Section 40-1005 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1005. POWERS OF GOVERNING BODY.) The governing body shall have in addition to other powers granted by law the following powers:

1. It may inquire into the conduct of any office, department, or agency of the city;
2. It may by ordinance establish, change and abolish offices, departments and agencies, other than those required by law, and may add to or take away from the duties of the various offices, departments and agencies.

§ 2. AMENDMENT.) Section 40-1006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1006. DUTIES OF CITY MANAGER.) The city manager shall have the following duties:

1. He shall be responsible to the governing body of the municipality for the proper administration of all of the affairs of the city;
2. He shall prepare and submit to the governing body between the first and tenth days of July in each year, an annual preliminary budget as provided for under chapter 40 of this title, and shall be responsible for the administration of the final budget, subject to the control of the governing body as to changes in the same;
3. He shall be responsible for law enforcement.
4. He shall appoint and remove, subject to civil service regulations if in effect, all heads of administrative departments and employees of the city; provided, however, he

- shall neither appoint nor remove the head of any department without first consulting with the governing body.
5. He shall keep the governing body advised of the financial condition of the city and make such recommendations as may seem desirable; and
  6. He shall be responsible for the purchase of all supplies, materials and equipment for the operations of the city, provided that for any purchase the cost of which exceeds one thousand dollars, the governing body shall establish the procedure for purchasing the same.

Approved March 6, 1951.

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## CHAPTER 263

S. B. No. 254  
(Delayed Bills Committee)

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### ACQUISITION OF PROPERTY OUTSIDE OF CITY LIMITS FOR MUNICIPAL WATER SUPPLY

#### AN ACT

To amend and reenact section 40-2203 of the North Dakota Revised Code of 1943, relating to the improvements for the making of which the governing bodies of municipalities may acquire by purchase or condemnation property outside the municipal limits thereof, and authorizing such acquisition of property for the purpose of obtaining a water supply and conducting the same to the municipal limits, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-2203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2203. ACQUIRING PROPERTY FOR SEWERS, WATER MAINS AND WATER SUPPLY BEYOND CORPORATE LIMITS.) When it is necessary to conduct the sewage of a municipality beyond the municipal limits, or to acquire a supply of water beyond such limits and to construct mains or aqueducts to conduct such water to the municipal limits, the governing body, by grant, purchase or condemnation proceedings may acquire private property over which to construct the sewer, or upon and over which to establish facilities for obtaining and storing such water supply and aqueducts or mains for conducting the same to the corporate limits. Public property may likewise be acquired for such purposes by grant or purchase from the government or public corporation owning the

same. The cost of acquiring such property and of building such sewer or other facilities upon or over the property may be included in the cost of construction or acquisition of a municipal waterworks or sewerage system and in the special assessments levied therefor, or the entirety of such a project may be completed as an improvement to an existing waterworks or sewerage system and special assessments may be levied therefor in accordance with the provisions of this title.

§ 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 5, 1951.

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## CHAPTER 264

S. B. No. 61  
(Legislative Research Committee)

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### REGISTRATION OF VOTERS IN CITIES OR VILLAGES

#### AN ACT

To amend and reenact section 40-2110 of the 1949 Supplement to the North Dakota Revised Code of 1943 and to repeal chapter 16-02 of the North Dakota Revised Code of 1943, relating to registration of voters.

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

§ 1. AMENDMENT.) Section 40-2110 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2110. REGISTRATION OF VOTERS.) The governing body of any city or village may require the registration of voters in municipal elections at such time and place or places as the governing body may designate.

3. REPEAL.) Chapter 16-02 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 28, 1951.

## CHAPTER 265

H. B. No. 803

(Trydahl)

AGREEMENTS BY CITIES WITH HIGHWAY DEPARTMENT  
OR COUNTIES FOR SPECIAL IMPROVEMENTS

## AN ACT

Relating to agreements by cities with a population of over ten thousand with the highway department; relating to improvements and special improvements districts, and declaring an emergency.

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

§ 1. CITIES WITH A POPULATION OF OVER TEN THOUSAND MAY ENTER INTO AGREEMENT WITH HIGHWAY DEPARTMENT OR COUNTY FOR CERTAIN IMPROVEMENTS.) Any city in this state, with a population of over ten thousand, through its governing body, may enter into an agreement with the highway department of the state of North Dakota, or with the board of county commissioners of the county in which such city is located, or both, for the improvement of streets, sewers, and water mains, and for this purpose, may create a special improvement district or special improvement districts. Before entering into such an agreement, the governing body shall declare by resolution that it is necessary to make such improvement, setting forth the area to be assessed for the cost of said project, and shall publish such resolution once each week for two consecutive weeks in the official newspaper of the municipality. If within thirty days after the first publication the owners of seventy-five percent of the property liable to be assessed file written protests, the governing body shall not enter into such agreement.

§ 2.) When a city has entered into an agreement pursuant to the provisions of this Act, under the terms of which the contract for such work is to be let by the state highway department or by the board of county commissioners, or by both jointly, the portion of the cost of the project to be borne by the owners of the property benefited thereby shall not exceed twenty percent of the total cost thereof. The governing body of such city, after taking steps to create the special improvement district or districts, as the case may be, may dispense with the balance of the requirements relating to plans for, bids upon, contracts for the construction of, and any other steps leading up to the construction of an improvement by the special assessment method. Upon the completion of such work, the governing body of the city shall cause to be certified to

the special assessment commission that portion of the cost of the project to be borne by the property owners within each special improvement district, and the assessment of such amount to the owners of the property benefited shall be made as in other cases provided for in chapter 40-33 of the North Dakota Revised Code of 1943 as the same may be amended from time to time.

§ 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, 1951.

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## CHAPTER 266

S. B. No. 140  
(Bridston and Rue)

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### SEWER OR WATER IMPROVEMENTS AND PARKING LOTS REPAYABLE BY SERVICE CHARGES

#### AN ACT

To amend and reenact section 40-2216 of the North Dakota Revised Code of 1943, relating to improvements to be paid for by service charges, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-2216 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2216. SEWER OR WATER IMPROVEMENTS AND PARKING LOTS IN MUNICIPALITIES MAY BE PAID FOR BY SERVICE CHARGES.) A municipality constructing a sewer or water improvement or a parking lot under the special assessment method may resolve in the resolution required by section 40-2215 that a portion of the cost of the improvement shall be raised by service charges for the use of the improvement. If the municipality so resolves, it may determine, in its resolutions, ordinances, and other proceedings relating to the levying of special assessments and the issuing of warrants to pay the cost of such improvement, the portion of such cost to be assessed specially against any property specially benefited and cause to be assessed only the portion so determined. All of the applicable provisions of this title relating to special assessments shall be applicable to such improvements except as to the portion of the cost thereof resolved or ordained to be paid by service charges. The governing body of the municipality shall provide for the establishment, imposition, and collection of service charges

for the services furnished by such improvement and in connection therewith, it shall have all the rights and powers respecting such service charges as it would have with respect to like matters if such improvement were made in accordance with chapter 35 of this title. The net revenues derived from the imposition and collection of such service charges shall be paid into the appropriate improvement district funds created pursuant to section 40-2418. Such revenues when collected shall be used and applied in the same manner as moneys paid into such funds from the collection of special assessments.

§ 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, 1951.

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## CHAPTER 267

S. B. No. 256  
(Duffy and Olson)

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### PURCHASE AND FINANCING WATER WORKS, SEWAGE PLANTS AND SYSTEMS

#### AN ACT

To amend and reenact section 40-2238 of the North Dakota Revised Code of 1943, relating to the types of utility systems which may be purchased by municipalities and financed by special assessment of the property benefited thereby, and authorizing such financing of the purchase of sewage treatment and disposal plants and sewer systems, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-2238 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2238. APPLICATION OF CHAPTER TO WATERWORKS AND WATER MAINS; ACQUISITION OF WATERWORKS, SEWAGE TREATMENT AND DISPOSAL PLANTS AND SEWER SYSTEMS.) The provisions of this chapter relating to water mains and waterworks shall apply only to municipalities which own or contemplate owning a system of waterworks and water mains. In case of the purchase of a waterworks system or of a sewage treatment or disposal plant or of a system of sewers, either by eminent domain or otherwise, a municipality may create improvement districts, direct the preparation of plans and specifications, adopt a resolution declaring the

purchase of such facilities necessary, and take all other proceedings prescribed by this chapter which would be taken in case of the construction of such facilities by the municipality itself for the purpose of defraying the cost thereof by special assessment of the property benefited thereby. The property benefited may be specially assessed for the purchase of such facilities, either separately or as a part of a new system, the same as if said facilities were constructed entirely anew.

§ 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, 1951.

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## CHAPTER 268

H. B. No. 740  
(Saumur, Trydahl)

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### VALIDATION OF CERTAIN CITY AND VILLAGE PROCEEDINGS AND SPECIAL IMPROVEMENT WARRANTS

#### AN ACT

To confirm and make binding according to their terms special improvement warrants issued by any city or village and refunded by the issuance and sale of refunding warrants when more than ninety days have elapsed since the date of the agreement for the sale of such refunding warrants, or since the effective date of this Act, whichever is later, notwithstanding failure to comply with certain statutory requirements in connection with the issuance of such special improvement warrants.

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

1. CONFIRMATION OF CERTAIN PROCEEDINGS FOR CITY AND VILLAGE IMPROVEMENTS.) In all cases where any city or village shall have levied special assessments for the construction of any improvement permitted under the provisions of Chapter 40-22 of the North Dakota Revised Code of 1943, or amendments thereof, and shall have issued special improvement warrants therefor, and where call for bids for the construction of such improvement has been carried in the official paper at least once in each of two consecutive weeks prior to the meeting at which such bids were opened, specifying the time and place of opening the same, and where a contract or contracts for the construction of such improvement shall have been let and entered into, pursuant to such call, and where proceedings shall have been had for the refunding

of such special improvement warrants under the provisions of Chapter 40-27 of the North Dakota Revised Code of 1943, or amendments thereof, and the refunding warrants have been sold or exchanged, in the manner provided by law, and more than ninety days shall have elapsed since the execution by the city or village of an agreement for the sale of such refunding warrants, and where no court action or suit of any nature has been taken or is pending prior to September 30, 1951, concerning the issuance or validity of either the special improvement warrants or the refunding warrants, such proceedings and special improvement warrants and the contracts based thereon for the construction of such improvements are hereby legalized and declared valid for all purposes, notwithstanding failure or omission to create special improvement districts in the manner provided by law, or at all, or failure to defer action on the construction bids for five days, or at all, after the opening of the same, or failure to give notice of time and place of, or to hold, a later meeting to consider and act upon said bids, and notwithstanding that certain contracts may have been awarded at the same meeting at which such bids were opened, and all such contracts and special improvement warrants, and the special assessment levied in connection therewith, shall be and remain valid and binding obligations according to the terms thereof.

Approved March 6, 1951.

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## CHAPTER 269

H. B. No. 734  
(Baker, by request)

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### REFUNDING OF FUNDING BONDS AND SPECIAL ASSESSMENT WARRANTS

#### AN ACT

To permit the refunding of funding bonds and refunding special assessment warrants issued under the provisions of chapter 40-27 of the North Dakota Revised Code of 1943; repealing chapter 287 of the Session Laws of North Dakota for the year 1947; and declaring an emergency.

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

§ 1.) Any municipality may refund, according to the procedure set forth in chapter 40-27 of the North Dakota Revised Code of 1943, any funding bonds issued under the provisions of

said chapter which are callable prior to maturity or which shall be surrendered voluntarily for refunding, by the issuance of bonds upon the same terms and conditions except as to interest, whenever by so doing a saving in interest can be affected. Any municipality having valid outstanding refunding special assessment warrants issued pursuant to the provisions of chapter 40-27 of the North Dakota Revised Code of 1943, which are past due or which are redeemable either at the option of the municipality or with the consent of the warrant holders, may issue new refunding special assessment warrants to refund such outstanding warrants, if there is not sufficient money in the fund or funds against which such outstanding refunding warrants are drawn to pay the same. Such new warrants may be issued for the purpose of extending the maturities of the outstanding refunding warrants, or reducing the rate of interest on such warrants, or equalizing the general tax which the municipality may be, or may become, obligated to levy to discharge deficiencies in the fund or funds against which the outstanding refunding warrants are drawn. Such new warrants shall be issued according to the procedure set forth in said chapter 40-27 for the issuance of the original refunding special assessment warrants.

§ 2.) Chapter 287 of the Session Laws of North Dakota for the year 1947 is hereby repealed; provided, that such repeal shall not impair the validity or security of any obligations heretofore issued pursuant to said chapter 287, and in all cases where proceedings have been initiated for the issuance of obligations pursuant to said act such proceedings may be continued and such obligations issued in accordance with the provisions of this Act with like effect as if the same had originally been instituted subsequent to the passage 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 6, 1951.

## CHAPTER 270

H. B. No. 619  
(Larsen — Ward County)

## EXPENDITURE OF SURPLUS IN MUNICIPAL UTILITIES FUNDS

## AN ACT

To amend and reenact section 40-3312 of the North Dakota Revised Code of 1943, as amended, relating to municipal utilities funds, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-3312 of the North Dakota Revised Code of 1943, as amended by section 40-3312 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

40-3312. SURPLUS IN MUNICIPAL UTILITIES FUND; HOW EXPENDED; REGULATIONS GOVERNING.) When the governing body of the municipality shall determine that there is a cash surplus in the municipal utilities fund over and above any amount necessary to provide adequately for the operation, maintenance, repair, enlargement, alteration, improvement, and extension of the plant or plants, it, in its discretion, may invest the surplus or transfer it or a portion thereof as follows:

1. All or any part of the surplus may be invested by the governing body in interest-bearing bonds of the United States government, the State of North Dakota, or any bonds or special improvement district warrants of the municipality in which the municipal plant is located, and all the principal and interest on the warrants and bonds, when repaid, shall be placed back in the municipal utilities fund; or
2. The governing body may, upon adoption of a resolution declaring it necessary and upon approval of a majority of the votes cast at a special election called for such purpose held on or before October 1, 1951, expend not to exceed fifty per cent of the surplus now in the fund for the construction of one street leading to a state highway, and thereafter may divert and transfer from the surplus in the fund to the general fund of the municipality or to any other fund of the municipality a total sum of not more than twenty per cent of the gross receipts of the municipal utilities for the fiscal year of the municipality during which the transfer or transfers are made.

§ 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect upon its passage and approval.

Approved February 24, 1951.

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CHAPTER 271

S. B. No. 178

(Streibel, Sandness, Troxel and Pyle)

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INCLUSION OF TERRITORY WITHIN CITY LIMITS  
AN ACT

To amend and reenact section 40-5107 of the 1949 Supplement to the North Dakota Revised Code of 1943 and section 40-5108 of the North Dakota Revised Code of 1943, relating to inclusion of territory within city limits, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-5107 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5107. INCLUSION OF TERRITORY WITHIN CITY LIMITS BY RESOLUTION INITIATED BY GOVERNING BODY; COMPUTATION OF PROPERTY OWNERS; AND ASSESSED VALUATION REQUIRED.) 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. Before said resolution is passed the governing body shall compute the number of property owners and the assessed valuation of the property in the territory proposed to be annexed. The resolution shall describe particularly the land proposed to be incorporated with the city limits, setting forth the boundaries thereof and describing the land plotted by blocks and lots, and shall state the number of property owners therein. This section shall not authorize a city so to extend its boundaries as to include territory within another incorporated municipality.

§ 2. AMENDMENT.) Section 40-5108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5108. PUBLICATION OF RESOLUTION INCLUDING TERRITORY WITHIN CITY LIMITS; PROTESTS; WHEN ANNEXATION SHALL NOT BE MADE; WHEN HEARING REQUIRED; PASSAGE OF RESOLUTION;

FARMING, PASTURING LANDS NOT ANNEXED; ADJUSTMENT OF ASSETS.) The resolution of the governing body of a city adopted pursuant to section 40-5107 shall be published in the official newspaper of the city once each week for four successive weeks, and the territory described in the resolution shall be included within and shall become a part of the city unless a written protest of the proposed extension signed by more than one-fourth of the property owners as of the date of the adoption of the resolution within the territory described in the resolution is filed with the city auditor within ten days after the last publication of the resolution. If such protest is filed within the time stated, signed by more than three-fourths of the property owners as of the date of the adoption of the resolution by number within the territory proposed to be annexed, no annexation shall be made, except as hereinafter provided. If such protest is filed within the time stated signed by more than one-fourth of the property owners as of the date of the adoption of the resolution within the territory proposed to be annexed, the governing body shall hear the testimony offered for or against such annexation. If the governing body, after hearing the testimony and making a personal inspection of the territory proposed to be annexed, is of the opinion that such territory ought to be annexed, it may order the territory included within the corporate limits by a resolution passed by a two-thirds vote of members of the governing body. If the greater portion of the territory proposed to be annexed consists of lands used exclusively for farming or pasturage purposes, it shall not be annexed. Reimbursement for the cost of any improvements the title to which is acquired by the annexation proceedings and made within the past five years in the annexed territory by any political subdivision or individual or corporation shall be made by the city and the city shall assume a proportionate share of the bonded indebtedness, existing within the past five years, of any political subdivision from which territory is annexed.

§ 3. JURY TRIAL.) If the petition of protest so filed contains the names of three-fourths of the property owners as above provided, the question of whether or not the property shall be annexed shall be submitted to a jury for determination at a regular term of the district court.

§ 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 17, 1951.

CHAPTER 272

S. B. No. 138  
(Olson and Rue)

DISPOSITION OF MUNICIPAL ASSETS AFTER DISSOLUTION;  
ELECTION

AN ACT

Providing for municipal election to determine disposition of municipal assets where property is being taken under eminent domain or purchase by the United States government and to authorize such governing body to contract with the United States government for replacement of existing improvements upon site determined at such election, and declaring an emergency.

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

§ 1.) The governing body of any municipal corporation situated on lands taken, or to be taken, by the United States under purchase or eminent domain, shall, after dissolution has been voted, as provided in sections 40-5307 and 40-5308, call an election to determine the disposition of the assets of said municipal corporation which remain after the payment of all debts at the effective date of dissolution. The governing body shall select a site and the party to which the assets shall be transferred, and shall cause the same to be placed and described upon the ballot as the question to be voted upon and underneath such question there shall be properly designated spaces for yes or no decision by the electors.

The form of the ballot shall be as follows:  
The assets of the (village, city) of .....  
after the payment of all liabilities and debts upon the  
effective date of dissolution, shall be transferred to  
(here insert description determined by the board)

Yes

No

§ 2.) If a majority of the votes cast approve the transfer of the assets of the municipality to the site determined by the election

set forth in section 1, the governing body of the municipal corporation shall thereby be immediately authorized to contract with the United States government for the replacement of existing improvements of such municipality at the site, place or municipality designated in such election.

§ 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 27, 1951.

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CHAPTER 273

S. B. No. 137  
(Olson and Rue)

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DISSOLUTION OF VILLAGE, WHEN EFFECTIVE;  
DISPOSAL OF PROPERTY

AN ACT

To amend and reenact section 40-5308 of the North Dakota Revised Code of 1943, relating to election on question of dissolution of village; when dissolution effective; disposal of property, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 40-5308 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5308. ELECTION ON QUESTION OF DISSOLUTION OF VILLAGE; WHEN DISSOLUTION EFFECTIVE; DISPOSAL OF VILLAGE PROPERTY.) The board of trustees of the village shall preside at an election called under the provisions of section 40-5307, the polls shall be opened as at other village elections, and the electors shall vote by ballot. If a majority of the ballots cast at such election favor dissolution of the village, and the number of village electors voting for dissolution equals or exceeds two-fifths of the number of electors in the village, a statement of the vote signed by the president of the board of trustees and attested by the village clerk shall be filed in the office of the register of deeds. At the expiration of twenty-four months from the date of the election unless a shorter period is determined by the ballot in such election the village shall cease to be a municipal corporation. The prop-

erty of the village, after the payment of its debts and liabilities, shall be disposed of in such manner as a majority of the electors may direct at a special election held for that purpose.

§ 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, 1951.

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## OCCUPATIONS AND PROFESSIONS

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### CHAPTER 274

S. B. No. 69  
(Legislative Research Committee)

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#### REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS

##### AN ACT

To amend and reenact subsection 2 of section 43-0209, subsection 2 of section 43-0210, and section 43-0214 of the North Dakota Revised Code of 1943, relating to accountants.

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

§ 1. AMENDMENT.) Subsection 2 of section 43-0209 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Accounting practice 6 hours.

§ 2. AMENDMENT.) Subsection 2 of section 43-0210 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Has been a resident of North Dakota since one year prior to his application for examination;

§ 3. AMENDMENT.) Section 43-0214 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0214. FEE FOR EXAMINATION; FAILURE TO PASS EXAMINATION; REEXAMINATION.) At the time of filing his application, each applicant for examination for a certificate to practice as a certified public accountant shall pay to the board a fee of thirty-five dollars. In case the applicant is issued a certificate to

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.

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## PRINTING LAWS

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### CHAPTER 275

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

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#### 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.

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## PROPERTY

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### CHAPTER 276

H. B. No. 801

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

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#### 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:

57-2705. TAX DEED TO BE ISSUED.) At the expiration of the period of redemption, and after the filing of the proof of service of the notice of expiration of such period, the county auditor, if no redemption has been made, on surrender of the certificate of tax sale to him, shall execute to the owner of the certificate, his heirs and assigns, in the name of the state, a deed of the land remaining unredeemed, which shall vest in the said certificate owner, his heirs and assigns, an absolute estate in fee simple in such lands, subject to claims of the state or other taxing districts on account of taxes or other liens or encumbrances. Such deed shall be executed by the county auditor under his hand and seal. Such deed shall be conclusive evidence of the truth of all facts therein recited and prima facie evidence of the regularity of all the proceedings from the assessment and valuation of the land by the assessor up to the execution of the deed.

Approved March 8, 1951.

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## CHAPTER 277

H. B. No. 590  
(Jansonius)

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### HOMESTEAD DEFINED

#### AN ACT

To amend and reenact sub-section 47-1801 of the North Dakota Revised Code of 1943, defining homesteads.

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

§ 1. AMENDMENT.) Sub-section 1 of Section 47-1801 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

47-1801. HOMESTEAD DEFINED: EXEMPTION.) The Homestead of every head of the family residing in this State shall consist:

1. If within a town plat, of not to exceed two acres of land upon which the claimant resides, and the improvements thereon, and not exceeding in value \$25,000.00 over and above liens or encumbrances or both.

Approved February 15, 1951.

## CHAPTER 278

S. B. No. 179  
(Day, Duffy and Knudson)

INSTRUMENTS ENTITLED TO RECORD WITHOUT  
ACKNOWLEDGMENT

## AN ACT

To amend and reenact section 47-1902 of the North Dakota Revised Code of 1943 relating to the recording of instruments.

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

§ 1. AMENDMENT.) Section 47-1902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

47-1902. INSTRUMENTS ENTITLED TO RECORD WITHOUT ACKNOWLEDGMENT.) The following instruments may be recorded without acknowledgment or further proof:

1. Any judgment affecting the title to or the possession of real property authenticated by the certificate of the clerk of the court in which such judgment is rendered;
2. Any letters patent from the United States;
3. Any duplicate final register's receipt;
4. A certificate from the United States Land Office;
5. A contract between the state and a purchaser of school and institutional lands for the purchase and sale of such lands;
6. An assignment of any such contract when such assignment has been approved by the board of university and school lands;
7. Any certified copy of a patent or of a duplicate final register's receipt or certificate when certified and proved according to the laws of the United States and of this state in such manner as to entitle it to admission as evidence in the courts of this state, and when so recorded, it shall be notice in like manner and to the same extent as the originals thereof would have been if the same had been recorded;
8. Any affidavit made as is provided in section 47-1912
9. A certified copy of an order of a county court relating to estate tax determinations; and
10. A statement of the state tax commissioner relating to estate tax determination.

Approved February 27, 1951.

## CHAPTER 279

S. B. No. 180  
(Day, Duffy and Knudson)

DEATH CERTIFICATES; EVIDENCE OF ESTATES AND  
INTERESTS IN REAL PROPERTY

## AN ACT

To amend and reenact section 47-1906 of the North Dakota Revised Code of 1943 relating to recording death certificates and to evidence of termination of estates and interests in real property.

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

§ 1. AMENDMENT.) Section 47-1906 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

47-1906. DEATH CERTIFICATES; JOINT TENANT; ESTATE TAX DETERMINATION; PRIMA FACIE EVIDENCE OF TERMINATION OF ESTATE HELD.) In all cases of joint tenancy in lands, and in all cases where an estate, title, or interest in, or lien upon, lands has been or may be created, which estate, title, interest, or lien was or is to continue only during the life of any person named or described in the instrument by which such estate, title, interest, or lien was created, a copy of the record of the death of any such joint tenant or of the person upon whose life such estate, title, interest, or lien was or is limited, duly certified by any officer who is required by the laws of the state or country in which such record is made, to keep a record of the death of persons occurring within the jurisdiction of such officer, may be recorded in the office of the register of deeds of the county in which such lands are situated if, in cases where said decedent had an estate, title, or interest in, or lien upon, said lands, there has been recorded a certified copy of an order of a County Court or a statement of the state tax commissioner relating to estate tax determination of said decedent's estate. Such certified copy of death certificate, or such record thereof in said office, or a duly certified copy of such last mentioned record, shall be prima facie evidence of the death of such person and the termination of such joint tenancy and of all such estate, title, interest, and lien as was or is limited upon the life of such person.

Approved February 27, 1951.

## CHAPTER 280

H. B. No. 728

(Holand and McLellan)

## MARKETABLE RECORD TITLE

## AN ACT

Relating to real property; to define a marketable record title to an interest in real estate and other terms; to require the filing of notice of claim of interest in such real estate in certain cases, within a definite period of time and to require the recording thereof; to make invalid and of no force and effect all claims with respect to the real estate affected thereby where no such notices of claim of interest are filed within the required period; to provide for filing evidence of possession by affidavit and for the recording of such affidavits; to provide penalties for filing slanderous notices of claim and interest; to provide certain exceptions to the applicability and operation thereof.

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

§ 1. WHAT CONSTITUTES MARKETABLE TITLE.) Any person having the legal capacity to own real estate in this state, who has an unbroken chain of title to any interest in real estate by himself and his immediate or remote grantors under a deed of conveyance which has been recorded for a period of thirty years or longer, and is in possession of such real estate, shall be deemed to have a marketable record title to such interest, subject only to such claims thereto and defects of title as are not extinguished or barred by the application of the provisions of this act, instruments which have been recorded less than thirty years, and any encumbrances of record not barred by the statute of limitations.

§ 2. DEFINITIONS.) As used in this Act:

1. A person shall be deemed to have the unbroken chain of title to an interest in real estate when the official public records of the county wherein such land is situated disclose a conveyance or other title transaction dated and recorded thirty years or more prior thereto, which conveyance or other title transaction purports to create such interest in such person or his immediate or remote grantors, with nothing appearing of record purporting to divest such person and his immediate or remote grantors of such purported interest.
2. Title transaction means any transaction affecting title to real estate, including title by will or descent from any

person who held title of record at the date of his death, title by a decree or order of any court, title by tax deed or by trustee's, referee's, guardian's, executor's, master's in chancery, or sheriff's deed, as well as by direct conveyance.

§ 3. NOTICE OF CLAIM OF INTEREST FILED.) Such marketable title shall be held by such person and shall be taken by his successors in interest free and clear of all interest, claims, any charges whatever, the existence of which depends in whole or in part upon any act, transaction, event, or omission that occurred thirty years or more prior thereto, whether such claim or charge be evidenced by a recorded instrument or otherwise, and all such interests, claims, and charges affecting such interest in real estate shall be barred and not enforceable at law or equity, unless any person making such claim or asserting such interest or charge, shall, on or before thirty-one years from the date of recording of deed of conveyance under which title is claimed, or within one year from the effective date of this Act, whichever event is the latest in point of time, file for record a notice in writing, duly verified by oath, setting forth the nature of his claim, interest or charge; and no disability nor lack of knowledge of any kind on the part of anyone shall operate to extend the time for filing such claims after the expiration of thirty-one years from the recording of such deed of conveyance or one year after the effective date of this Act, whichever event is the latest in point of time.

§ 4. WHO MAY FILE NOTICE.) The notice mentioned in section 3 may be filed for record by the claimant of any interest therein described, or by any other person acting on behalf of a claimant who is under disability, unable to assert a claim on his own behalf, or one of a class but whose identity cannot be established or is uncertain at the time of filing such claim for record.

§ 5. WHERE NOTICE FILED; CONTENTS.) The claim referred to in section 3 and 4 shall be filed in each county where the claimed real estate, or any part thereof, is located, and must set forth the legal description of the real estate affected by such claim together with a statement of the nature of the claim, charge, or interest asserted. The description shall be set forth in particular terms and not by general inclusion.

§ 6. NOTICE RECORDED AND INDEXED.) The register of deeds of each county shall accept all such notices which describe real estate located within the county which he serves and shall enter and record such notices in full among miscellaneous instruments and index the same against the real estate.

§ 7. EVIDENCE OF POSSESSION RECORDED.) For the purpose of this Act, the fact of possession of real estate referred to in sec-

tion 1 may be shown of record by one or more affidavits which shall contain the legal description of the real estate referred to and show that the record titleholder is upon the date thereof in possession of such real estate. The register of deeds shall record such affidavits in the miscellaneous records of his county and index the same against the real estate. No such affidavits of possession shall be filed as to any real estate before the expiration of thirty-one years from the recording of deed of conveyance under which title is claimed, or before one year after the effective date of this Act, whichever event is the latest in point of time, as to any real estate as to which a claim under the provisions of section 5 shall have been filed.

§ 8. EXISTING STATUTES OF LIMITATION NOT EFFECTED.) Nothing contained in this Act shall be construed to shorten or extend the period for bringing an action or doing any act required under any existing statute of limitations, nor to affect the operation of any existing Acts governing the effect of the recording or the failure to record any instrument affecting lands.

§ 9. SLANDEROUS NOTICE; PENALTY.) No person shall use the privilege of filing notices hereunder for the purpose of slandering the title to real estate and in any action brought for the purpose of quieting title to real estate, if the court shall find that any person has filed a claim for the purpose only of a slandering title to such real estate, the court shall award the plaintiff all the costs of such action, including attorney fees to be fixed and allowed to the plaintiff by the court, and all damages that plaintiff may have sustained as the result of such notice of claim having been filed for record.

§ 10. PURPOSE OF ACT.) This Act shall be construed to effect the legislative purpose of simplifying and facilitating real estate title transactions by allowing persons to deal with the record title owner as defined herein and to rely upon the record title covering a period of thirty years or more subsequent to the recording of deed of conveyance as set out in section 1 of this Act, and to that end to bar all claims that affect or may affect the interest thus dealt with, the existence of which claims arises out of or depends upon any act, transaction, event, or omission occurring before the recording to such deed of conveyance, unless a notice of such claim, as provided in section 5, shall have been duly filed for record. The claims hereby barred shall mean any and all interests of any nature whatever, however denominated, whether such claims are asserted by a person sui juris or under disability, whether such person is or has been within or without the state, and whether such person is natural, corporate, private, or governmental.

§ 11. EXCEPTIONS.) This Act shall not be:

1. Applied to bar:

- a. The rights of any lessor or his successor as reversionary of his right to possession on the expiration of any lease by reason of failure to file the notice herein required;
- b. The rights of any remainderman upon the expiration of any life estate or trust created before the recording of deed of conveyance as set out in section 1 of this Act;
- c. Rights founded upon any mortgage, trust deed, or contract for sale of lands which is not barred by the statute of limitations; or
- d. Conditions subsequent contained in any deed; nor

2. Deemed to affect the right, title or interest of the state of North Dakota, or the United States, in any real estate in North Dakota.

3. Applied to the right, title, or interest of any railroad.

Approved March 9, 1951.

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## PUBLIC UTILITIES

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### CHAPTER 281

S. B. No. 182  
(Geelan)  
(By Request)

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#### CERTAIN CONTRACTS EXEMPTING RAILROAD CORPORATIONS FROM LIABILITY VOID

#### AN ACT

To amend and reenact section 49-1605 of the North Dakota Revised Code of 1943, declaring void certain contracts exempting railroad corporations from liability.

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

§ 1. AMENDMENT.) Section 49-1605 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

49-1605. CONTRACTS EXEMPTING RAILROAD FROM LIABILITY VOID.) Any contract, rule, regulation, or device whatsoever the purpose or intent of which shall be to enable any railroad corporation to exempt itself from any liability created by section 49-1602 through section 49-1610 of this chapter to that extent shall be void. In any action brought against such railroad corporation, under or by virtue of any of the provisions of this chapter, such corporation may set off therein any sum it has contributed or paid to any insurance relief benefit or indemnity that may have been paid to the injured employee or to the person entitled thereto on account of the injury or death for which said action was brought.

Approved March 7, 1951.

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## CHAPTER 282

H. B. No. 594  
(Poling, Esterby, Lee)

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### CHANGES IN TOPOGRAPHY OF LANDS UNDER OR ADJACENT TO ELECTRIC TRANSMISSION OR TELEPHONE LINES; NOTICE

#### AN ACT

Relating to changes in the topography of lands under or adjacent to electric transmission or telephone lines.

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

§ 1. NOTICE OF CHANGE IN TOPOGRAPHY OF LANDS UNDER OR ADJACENT TO ELECTRIC TRANSMISSION OR TELEPHONE LINES.) Before any change is made in the topography of lands under, or adjacent to, any electric transmission or telephone lines, which change would increase the hazard to travel, or to persons or property, the one proposing to make such change shall, except in the case of an emergency, at least ten days before proceeding therewith, notify the public utility or cooperative corporation operating such electric transmission or telephone lines. Such notification shall clearly state the nature and location of the proposed change in topography and shall be sent to such public utility or cooperative corporation at its principal place of business within the state by registered mail. In case of an emergency, where ten days notice can not be given, notice shall be given, as herein provided, prior to proceeding with such change.

Approved March 7, 1951.

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**PUBLIC WELFARE**

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**CHAPTER 283**

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Senate Bill No. 163  
(O'Brien, Reinke, Bilden and Welander)

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**REIMBURSEMENT OF COUNTY GIVING NON-RESIDENT  
POOR RELIEF****AN ACT**

To amend and reenact section 50-0113, of the North Dakota Revised Code of 1943, providing for reimbursement of county where poor person is a non-resident, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 50-0113 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0113. MEDICAL ATTENTION AND HOSPITALIZATION FURNISHED POOR.) In case of necessity, the county welfare board promptly shall provide medical and surgical attention for any poor person in the county who is not provided for in a public institution. In a county where a county physician has been appointed on an annual salary, such physician shall be called to attend such poor person. The county welfare board shall cause to be furnished to such poor person the medicines prescribed by the physician. In all cases where, in the opinion of the county welfare board, hospitalization is necessary, it shall be furnished by the county upon approval or subsequent ratification by the county physician and the board, or by the board in a county having no county physician. Where such poor person is a nonresident of the state, the county furnishing such medical or surgical attention from and after January 2, 1951, shall be reimbursed from the public welfare fund of the state for 80% of the expenses incurred in carrying out the provisions of this section. Such reimbursement shall be made upon vouchers having the approval of the state public welfare board.

§ 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 7, 1951.

## CHAPTER 284

H. B. No. 795  
(Baker)

## COUNTY RESIDENCE FOR POOR RELIEF

## AN ACT

To amend and reenact section 50-0204 of the North Dakota Revised Code of 1943, relating to residence in counties; how gained.

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

§ 1. AMENDMENT.) Section 50-0204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0204. RESIDENCE IN COUNTIES; HOW GAINED.) If no type of public assistance or poor relief, whether county, state ( or federal, has been received, residence in a county, for poor relief purposes, shall be gained as follows:

1. Each male person, and each unmarried female, over the age of twenty-one years, who has resided one year continuously in any county in this state, shall be deemed to have residence in such county;
2. Each person who has resided one year continuously in the state, but not in any one county, shall have a residence in the county in which he or she has longest resided within such year;
3. Every minor not emancipated and settled in his own right shall have the same residence as the parent with whom he has last resided.
4. For the purposes of this section the time spent while receiving institutional care in any state licensed home for the aged, infirm, neglected or indigent shall not be included in the computation of time necessary to establish residence hereunder.

Approved March 8, 1951.

## CHAPTER 285

House Bill No. 651

(Sailer, Bentz, Robinson, Hafner, Bubel and Thompson)

COUNTY REIMBURSEMENT FOR PUBLIC ASSISTANCE TO  
NON-RESIDENTS OCCASIONED BY FEDERAL PROJECTS

## AN ACT

To provide for the reimbursement to the counties by the Public Welfare Board of North Dakota of all public assistance to certain persons living or residing in North Dakota by reason of the construction of federal projects of such magnitude as to attract to any county large numbers of persons from outside such county, and declaring an emergency.

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

§ 1.) Whenever there is in process of construction in or adjacent to any county of this state a federal project of such magnitude as to attract to such county a large number of persons from outside such county, who are non-residents of the state or who have gained residence in such counties, all public assistance aid to such non-residents of the state or persons who have gained residence in such counties by reason of such federal project shall be financed solely by the State of North Dakota out of the public welfare fund and not by the county in which such persons may live or reside. The county welfare board shall furnish such public assistance in each case and shall be promptly reimbursed by the public welfare board from the public welfare fund for all such public assistance payments made by the county. Such application for reimbursement shall be made upon vouchers having the approval of the public welfare board.

§ 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 February 24, 1951.

## CHAPTER 286

H. B. No. 571  
(Legislative Research Committee)  
at the request of  
(The Public Welfare Board)

## NEEDY BLIND, EXAMINATION

## AN ACT

To amend and reenact sections 50-0801 as amended by chapter 279 of the Session Laws of 1945, subsections 13 and 14 of section 50-0802, 50-0808, 50-0819 and 50-0820 of the North Dakota Revised Code of 1943, relating to aid to the needy blind.

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

§ 1. AMENDMENT.) Section 50-0801 of the North Dakota Revised Code of 1943 as amended by chapter 279 of the Session Laws of 1945 is hereby amended and reenacted to read as follows:

50-0801. DEFINITION:.) 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;
8. "Physician skilled in the diseases of the eye" means a physician licensed to practice medicine in this state, who is actively engaged in the treatment of diseases of the human eye and is a specialist in the treatment of diseases of the eye, ear, nose and throat; and

9. "Optometrist" means a person duly certified by the North Dakota state board of optometry to practice optometry in this state.

§ 2. AMENDMENT.) Subsections 13 and 14 of section 50-0802 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

13. Designate a suitable number of ophthalmologists, physicians skilled in the diseases of the eye, and optometrists, duly licensed to practice in North Dakota and actively engaged in the treatment of diseases or defects of the human eye, to examine applicants and recipients of assistance to the blind;
14. Fix and pay to ophthalmologists, physicians skilled in the diseases of the eye, and optometrists, fees for examinations of applicants;

§ 3. AMENDMENT.) Section 50-0808 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0808. EXAMINATION BY OPHTHALMOLOGISTS, PHYSICIAN SKILLED IN THE DISEASES OF THE EYE, OR OPTOMETRIST BEFORE APPROVAL OF APPLICATION.) No application for assistance under the provisions of this chapter shall be approved until the applicant has been examined by an ophthalmologist, physician skilled in the diseases of the eye, or optometrist designated or approved by the state agency to make examinations. The examining ophthalmologist, physician skilled in the diseases of the eye, or optometrist shall certify in writing, upon forms provided by the state agency, the findings of the examination.

§ 4. AMENDMENT.) Section 50-0819 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0819. ASSISTANCE MAY BE DENIED WHEN APPLICANT REFUSES TREATMENT; APPEAL.) Assistance under this chapter may be denied to any person who refuses medical, surgical, or other treatment when his eyesight may be restored partially or wholly by such treatment, and a certificate in writing to that effect is made by the examining ophthalmologist, physician skilled in the diseases of the eye. Any person denied assistance upon this ground may appeal to the state agency in the manner provided in section 50-0817.

§ 5. AMENDMENT.) Section 50-0820 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0820. SUPPLEMENTARY SERVICES; WHEN PROVIDED.) On the basis of the findings of the examination made by the ophthalmologist or physician skilled in the diseases of the eye, supplementary services may be provided by the state agency to any applicant or recipient of assistance who is in need of treatment either to prevent blindness or to restore his eyesight whether or not he is blind as defined in section 50-0803, if he otherwise is qualified for assistance under this chapter. The supplementary services may include necessary traveling and other expenses to receive treatment from a hospital or clinic designated by the state agency.

Approved March 9, 1951.

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## CHAPTER 287

H. B. No. 696  
(Committee on Social Welfare)

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### ELIGIBILITY OF NEEDY BLIND FOR PUBLIC ASSISTANCE

#### AN ACT

To amend and reenact subsection 5 of section 50-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to aid to the needy blind; providing that in determining need the first fifty dollars of earned income shall be disregarded.

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

§ 1. AMENDMENT.) Subsection 5 of section 50-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

5. Has not sufficient income or other resources to provide a reasonable subsistence compatible with health and well-being, providing that the state agency shall, in determining need, disregard the first fifty dollars per month of earned income;

Approved February 23, 1951.

## CHAPTER 288

H. B. No. 568  
(Legislative Research Committee)  
at the request of  
(The Public Welfare Board)

AID TO DEPENDENT CHILDREN; INVESTIGATION;  
REPORT TO STATE'S ATTORNEY

## AN ACT

To amend and reenact section 50-0907 of the North Dakota Revised Code of 1943, relating to aid to dependent children, and providing for investigations by the county agency.

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

§ 1. AMENDMENT.) Section 50-0907 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0907. INVESTIGATION BY COUNTY AGENCY; REPORT TO STATES ATTORNEY.) Whenever a county agency shall receive an application for assistance, or assistance has been granted, under this chapter, the agency promptly shall make an investigation and record of the circumstances of the applicant, or child, or both, in order to ascertain the facts supporting the application, or the granting of assistance, and shall obtain such other information as may be required by the rules and regulations of the state agency. If the county agency shall find that assistance has become necessary by reason of the desertion of one or both parents, the agency shall advise the states attorney of that fact and shall furnish to him the name or names of the offending parent or parents together with their last known address.

Approved February 23, 1951.

## CHAPTER 289

H. B. No. 572  
(Legislative Research Committee)  
at the request of  
(The Public Welfare Board)

## CHILD PLACING AGENCIES; LICENSING, ETC.

## AN ACT

To amend and reenact sections 50-1202, 50-1203, 50-1205, 50-1206, 50-1207, 50-1208, 50-1210, 50-1211, 50-1212, 50-1213, 50-1214, 50-1215, 50-1216 and 50-1217 of the North Dakota Revised Code of 1943, relating to child-placing agencies.

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

§ 1. AMENDMENT.) Section 50-1202 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1202. CHILD -PLACING AGENCY LICENSED.) Every child-placing agency shall secure a license annually from the public welfare board.

§ 2. AMENDMENT.) Section 50-1203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1203. REQUIREMENTS FOR LICENSE; TERM.) Licenses for the conduct of child-placing agencies shall be issued by the public welfare board upon application and shall be granted for a period not exceeding one year. Such licenses shall be issued to reputable and responsible applicants upon a showing that they, and their agents, are equipped properly by training and experience to find and select suitable temporary or permanent homes for children, and to supervise such homes when children are placed in them, to the end that the health, morality, and general well-being of children placed by them will be properly safeguarded.

§ 3. AMENDMENT.) Section 50-1205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1205. BOARD MAY PRESCRIBE FORM OF RECORDS; MAKE RULES; RECORDS OPEN FOR INSPECTION.) The public welfare board may prescribe the forms for the registration and record of children placed by a child-placing agency. The board shall make such

reasonable rules and regulations in connection with such placements as are necessary to carry out the purposes of this chapter. All records shall be open to the inspection of the board.

§ 4. AMENDMENT.) Section 50-1206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1206. PLACEMENT CONTRACT.) Every child-placing agency upon placing a child in a foster home shall enter into a written agreement with the persons taking the child which shall provide:

1. The placing agency shall have access at all reasonable times to such child and to the home in which he is living; and
2. For the return of the child to the placing agency whenever in the opinion of such agency, or of the public welfare board, the best interests of the child shall require.

§ 5. AMENDMENT.) Section 50-1207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1207. DUTIES OF LICENSEE.) Every licensee shall:

1. Keep a full record and social history of each child received for placement and a similar record and history of his family;
2. Report to the public welfare board:
  - a. The name and address of each child to be placed in a permanent foster home.
  - b. The name and address of the proposed foster parents;
  - c. Such other facts and information as shall be requested by the board;
3. Visit the proposed foster home at frequent intervals and make all necessary inquiries and investigations as may be necessary to determine whether the child will become properly adjusted in said home; and
4. Continue to visit and supervise each placement as often as may be required by the board and report in writing to the board the conditions as ascertained by such visit.

§ 6. AMENDMENT.) Section 50-1208 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1208. CHILD MUST BE PLACED IN SUITABLE HOME; PUBLIC WELFARE BOARD MAY REMOVE CHILD.) A child shall not be placed

in any foster home until adequate investigation has been made as to the suitability of the proposed foster parents and their home surroundings. Whenever the public welfare board is satisfied that a child has been placed in an unsuitable home it shall order the child-placing agency, in writing, to remove the child and place it in a home which meets with the approval of the public welfare board. If within a reasonable period of time it appears that suitable arrangements have not been made for the care of the child, the board shall refer the child to the county welfare board of the county in which the child has legal settlement. The county welfare board shall make immediate arrangements, subject to the approval of the public welfare board, for the care and support of the child. If the child has no legal settlement within the state, or in case of a dispute as to the determination of his legal settlement or responsibility for his support, the child shall be brought before a juvenile court as a dependent child in the county in which he is found, as provided by law.

§ 7. AMENDMENT.) Section 50-1210 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1210. REVOCATION OF LICENSE: GROUNDS FOR.) The public welfare board may revoke the license of any child-placing agency upon a proper showing that:

1. Any of the conditions set forth in section 50-1203 as prerequisites for the issuance of the license no longer exist;
2. The license was issued upon fraudulent or untrue representations;
3. The licensee has violated any of the rules and regulations of the public welfare board; or
4. The licensee has been guilty of the violation of any state law disclosing moral turpitude.

§ 8. AMENDMENT.) Section 50-1211 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1211. REVOCATION OF LICENSE: FALSE REPORTS.) If any child-placing agency licensed under the provisions of this chapter shall make any false or misleading report to the public welfare board, the license shall be suspended immediately. Upon hearing before the board, if such false or misleading reports are found to have been made, the license forthwith shall be revoked.

§ 9. AMENDMENT.) Section 50-1212 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**50-1212. DENIAL OR REVOCATION OF LICENSE; HEARING.)** Before any application for license to conduct a child-placing agency shall be denied, or before the revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee. Such applicant or licensee shall have the right to a hearing before the public welfare board, if such a hearing is requested, within thirty days after service of the written charges.

**§ 10. AMENDMENT.)** Section 50-1213 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**50-1213. APPEAL FROM DENIAL OR REVOCATION OF LICENSE.)** There shall be an appeal from any decision of the public welfare board denying an application for a license to conduct a child-placing agency or revoking a license. Such appeal shall be taken in the manner provided in chapter 32 of the title Judicial Procedure, Civil.

**§ 11. AMENDMENT.)** Section 50-1214 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**50-1214. FOREIGN ASSOCIATIONS PLACING CHILDREN IN STATE: (CONSENT OF PUBLIC WELFARE BOARD REQUIRED.)** Any person, partnership, voluntary association, or corporation undertaking to bring or send a child from any other state into this state for placement in a family home or institution shall obtain prior written consent from the public welfare board for each child so placed. Such consent shall be conditioned upon the acceptance and observance of the following requirements:

1. No child will be brought into the state if he is incorrigible, unsound of mind or body, or likely to become a public charge;
2. Any child so brought in will be removed promptly upon notice from the board;
3. Upon the placing of a child brought into the state in a family home, a report will be made to the board; and
4. All provisions of the statutes of the state, relating to the placement of children will be complied with.

**§ 12. AMENDMENT.)** Section 50-1215 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**50-1215. RESIDENT MAY BRING CHILD INTO STATE FOR PERMANENT CARE; REPORT.)** The provisions of section 50-1214 shall

not apply to a resident of the state, who personally brings a child into the state for permanent care or adoption into his own family. He shall report to the public welfare board:

1. His own name and address;
2. The name of the child; and
3. The name and address of the person, organization or institution from which the child was received.

§ 13. AMENDMENT.) Section 50-1216 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1216. TAKING CHILDREN FROM STATE FOR PLACEMENT IN FAMILY HOMES; CONSENT OF PUBLIC WELFARE BOARD; REPORT.) No person, partnership, voluntary association, or corporation shall take or send any child out of the state for placement in a family home in another state without first securing the consent of the public welfare board so to do and without first reporting to the board:

1. The name and address of the child to be taken or sent;
2. The name and address of the family which is to receive the child; and
3. Such other information concerning the family and the child as the board may require.

This section shall not apply to a parent who personally removes his child from the state.

§ 14. AMENDMENT.) Section 50-1217 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1217. PENALTY.) No person shall place any child other than his or her own in family homes for adoption or otherwise without a license so to do from the public welfare board. Every person who violates any provision of this chapter is guilty of a misdemeanor.

Approved February 23, 1951.

## CHAPTER 290

S. B. No. 57  
(Legislative Research Committee)  
at the request of  
(The Public Welfare Board)

## AID TO THE PERMANENTLY AND TOTALLY DISABLED

## AN ACT

To provide aid to the permanently and totally disabled.

*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:

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 aid under this Act;
4. "Recipient" shall mean any person who has received aid under the terms of this Act;
5. "Aid" shall mean money payments to, or goods and services provided for disabled persons as provided in this Act;
6. "Disabled person" shall mean a person who is permanently and totally disabled and who lacks sufficient income or other resources to provide himself a reasonable subsistence compatible with decency and health; and
7. "Fund" shall mean the North Dakota aid to the permanently and totally disabled fund.

§ 2. DUTIES OF THE STATE AGENCY.) The state agency shall:

1. Take such action and make such rules and regulations as may become necessary to entitle the state to receive federal government assistance in providing aid to disabled persons in North Dakota;
2. Supervise the administration of aid to disabled persons throughout the state.

3. Take such action, give such directions, and promulgate such rules and regulations as may be necessary or desirable to carry out the provisions of this Act, including the adoption and application of suitable standards and procedures to insure uniform and equitable treatment of all applicants for aid;
4. Cooperate with the federal government in matters of mutual concern relating to aid to disabled persons, including adoption of such methods of administration as may be required by the federal government;
5. Provide such qualified employees and representatives as may be necessary;
6. Prescribe the form of and print for and supply to the county agencies blanks for applications, reports, and such other forms as it may deem necessary and advisable;
7. Have authority to establish and maintain personnel standards on a merit basis for personnel employed by the state and county public assistance agencies not covered by a state-wide merit system;
8. Make such reports in such form and containing such information as the federal government may from time to time require;
9. Comply with such provisions, rules, and regulations as the federal government, from time to time, may find it necessary to make to assure the correctness and verification of such reports; and
10. Publish a biennial report and such interim reports as may be deemed necessary.

§ 3. ELIGIBILITY FOR AID TO DISABLED PERSONS.) Aid shall be granted under this Act to any person who:

1. Has resided in the United States for ten years, or is a citizen of the United States;
2. Has attained the age of eighteen years but has not reached his sixty-fifth birthday;
3. Has continuously resided in North Dakota for one year immediately preceding his application for aid;
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 maintained by, any municipal, state, or national institution, except as a patient in a public medical institution; is not a patient in any institu-

tion for tuberculosis or mental diseases; and is not a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis; the state agency, however, may authorize payments to residents of institutions 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, that the refusal or neglect of legally responsible relatives to provide necessary assistance shall not make such applicant ineligible for aid to disabled persons;
7. Has not at any time before or after making application for aid made any assignment or transfer of property for the purpose of rendering himself eligible for aid under this plan; and
8. Is not receiving old age assistance, aid to dependent children, or aid to the blind.

§ 4. RESIDENCE OF APPLICANT; HOW DETERMINED.) The question as to the residence of an applicant for aid to disabled persons shall be determined by the rules and regulations prescribed in sections 50-0201 to 50-0207 of the North Dakota Revised Code of 1943, inclusive. A county in which an applicant has a residence for poor relief purposes will be deemed the county of his residence for the purpose of application for such aid.

§ 5. OWNERSHIP OF PROPERTY OR INSURANCE POLICY DOES NOT PRECLUDE GRANTING OF AID; TRANSFERRED IN TRUST.) The ownership of real or personal property by an applicant for aid, or by the spouse of such applicant, either individually or jointly, or of insurance on the life of the applicant shall not preclude the granting of aid if the applicant is without funds for his support. But if the applicant is the owner of real property, other than a homestead, or a life insurance policy having a cash surrender value of more than three hundred dollars, or of personal property other than household goods, wearing apparel, and personal effects, of a value in excess of two hundred dollars, then the applicant, as a condition to the grant of aid, shall be required to transfer such property in trust by appropriate instrument as security for such aid as the applicant thereafter may receive, unless the congress of the United States shall enact legislation prohibiting the taking of security on either real or personal property belonging to the applicant.

§ 6. LIFE INSURANCE POLICY; AGREEMENT FOR PAYMENT OF PREMIUMS.) If an applicant for aid has a policy of insurance or

a fraternal beneficiary certificate on his life the county agency may recommend and the state agency may authorize premiums upon such insurance policy or beneficiary certificate paid out of the aid granted. The county agencies may enter into such arrangements with the insured as will protect the interest of the insured and the interests of the state and assure repayment to the state, upon the death of the insured, of not less than the premium payments so made after funeral expenses of not to exceed one hundred fifty dollars have been paid.

§ 7. HOMESTEAD OF APPLICANT FOR AID NOT REQUIRED TO BE TRANSFERRED.) In no case shall an applicant for aid be required to transfer a homestead occupied by such applicant unless he or she desires to do so. A recipient of aid to the permanently and totally disabled shall not be permitted to encumber or convey such homestead without the written approval of the state agency. When an application for aid is granted and it appears that the applicant occupies a homestead owned by the applicant the state agency shall cause to be recorded, in the office of the register of deeds of the county in which the homestead is located, a statement in writing to the effect that the owner of such homestead is receiving aid to disabled persons. Such written statement shall be signed by the executive director of the state agency. After the recording of such statement, any instrument of conveyance or encumbrance executed by such applicant without the approval of the state agency shall be null and void. No fee shall be charged by the register of deeds for recording such statement.

§ 8. APPLICATION FOR AID.) An application for aid shall be made to the county agency of the county in which the applicant resides. It shall be in writing or reduced to writing in the manner and upon the form prescribed by the state agency and shall be verified by the oath of the applicant. The application shall contain:

1. A statement of the amount of property, both personal and real, which the applicant owns or has an interest in;
2. A statement of all the income which the applicant has at the time of filing of the application; and
3. Such other information as may be prescribed by the state agency.

§ 9. INVESTIGATION OF APPLICATIONS.) Whenever a county agency receives an application for aid, an investigation of the circumstances of the applicant shall be made with reasonable promptness and the agency shall ascertain:

1. The facts supporting the application; and

2. Such other information as may be required by the state agency.

§ 10. POWER OF COUNTY AND STATE AGENCY IN MAKING INVESTIGATION.) In making an investigation of an application for aid, the county agency and the state agency and the officers and employees thereof authorized to make investigation under this chapter may :

1. Conduct examinations ;
2. Require the attendance of witnesses ;
3. Require the production of books, records, and papers ; and
4. Make application to the district court of the county to compel the attendance of witnesses and the production of such books, records, and papers.

Such officers and employees as may be designated by the county agency or the state agency may administer oaths and affirmations in connection with their administration of this Act.

§ 11. FINDINGS OF COUNTY AGENCY ON INVESTIGATION OF APPLICATION ; FINDINGS FOR AN APPLICATION ALLOWED.) The county agency, upon completion of the investigation of an application for aid, shall determine in accordance with its findings whether or not the applicant is eligible for aid and shall make a written order, in duplicate, to the effect that the application be allowed or rejected. A copy of the findings and order of the county agency shall be transmitted forthwith to the state agency. If the county agency finds that the application should be allowed, it shall attach to its order a certificate of eligibility setting forth the amount of monthly assistance which it finds the applicant is entitled to receive.

§ 12. AMOUNT OF AID ; HOW TO DETERMINE.) The amount of aid to which any person shall be entitled under the provisions of this Act shall be determined with due regard to the following :

1. The resources of the individual, including any income and property that he may have and any support he may receive from other resources ;
2. The necessary expenditures of the individual ; and
3. The rules, regulations, and directions which the state agency may find necessary to prescribe.

§ 13. AMOUNT OF AID ; MINIMUM.) The amount of aid to which any person shall be entitled shall be sufficient, when added to all other income and resources of the recipient, to provide

such person with a reasonable subsistence compatible with decency and health.

§ 14. PAYMENT TO GUARDIAN FOR BENEFIT OF RECIPIENT.) Whenever a guardian shall have been appointed for any disabled person by a court of competent jurisdiction, the payment of aid shall be made to such legal guardian. The legal guardian shall file a report at the end of each calendar year with the county agency, showing the disbursement of the money received by him for the benefit of any disabled person.

§ 15. REJECTION OF APPLICATION; NOTICE OF; CONTENTS.) If the county agency, upon the investigation of an application for aid finds that the application should be rejected, it shall so notify the applicant forthwith in writing, by registered mail, return receipt requested, or by service of personal notice upon the applicant. The notice also shall state that the applicant may appeal from the finding of the county agency to the state agency within thirty days from the receipt by the applicant of such notice and that the appeal may be taken by filing a written notice of the appeal with the county agency and sending a copy by registered mail addressed to the executive director of the public welfare board of North Dakota, Bismarek, North Dakota.

§ 16. POWER OF STATE AGENCY TO CHANGE DETERMINATION OF COUNTY AGENCY.) The state agency shall have power:

1. To approve, modify, or reverse any action taken by the county agency;
2. To return the application for aid to the county agency for further action or proceedings as the state agency may direct;
3. To conduct a hearing or to cause further investigation to be made;
4. To make such final disposition of an application for aid as justice requires;
5. To reconsider, on its own motion, any or all grants of aid;
6. To act upon any application upon which a decision has not been made by the county agency within a reasonable time;
7. To grant aid where it has been refused, or to change the amount of aid, if after investigation it determines that justice so requires;
8. To withdraw aid if it is found that the recipient's circumstances have altered sufficiently to warrant such action.

Whenever aid is withdrawn, revoked, suspended, or in any way changed, the recipient shall be notified in writing and thereupon shall have the right to a fair hearing before the state agency in the same manner as a hearing is afforded upon an appeal from a decision of the county agency rejecting an application for assistance.

§ 17. APPEAL TO STATE AGENCY; WHEN TAKEN.) An applicant for aid may appeal to the state agency if:

1. An application is not acted upon by the county agency within a reasonable time after it is filed;
2. The application is denied; or
3. The applicant deems the aid granted to be insufficient.

The appeal shall be taken by filing a written notice with the county agency and mailing a copy of such notice of appeal by registered mail, addressed to the executive director of the public welfare board of North Dakota, Bismarck, North Dakota.

§ 18. APPEAL; HOW HEARD.) Where an appeal is taken under the provisions of section 17 the state agency shall give the applicant an opportunity for a fair hearing and may designate one or more members of the state agency, or it may designate one of its employees other than a member of the state agency, to hear the appeal and act as referee to take and certify the evidence to the state agency. Where an appeal is heard before a referee designated by such agency, such person or persons shall make recommendations as to whether or not the application should be granted or rejected or changed in amount and shall certify such recommendations in writing to the state agency, together with all the evidence upon which the recommendations are based. The state agency may accept, reject, or modify such recommendations or hear the matter anew or make such other disposition of the appeal as the facts and the law warrant. If the appeal is heard by a referee or by a designated member or members of the state agency and the hearing results in a denial of assistance or in a denial of the claim of the appellant in whole or in part, such appellant, upon written demand shall be afforded a personal hearing before the state agency sitting as a board of appeal. At such hearing evidence and witnesses may be heard anew in the same manner as in the appeal heard before the referee. The decision of the state agency shall be final, and shall be binding upon the county agency.

§ 19. AID NOT ASSIGNABLE.) Aid granted under this Act shall not be transferrable or assignable in law or equity, and the money paid or payable under this Act shall not be subject to execution, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law.

§ 20. INDIAN; DISABILITY ASSISTANCE; STATE FUNDS USED.) Any county in which an Indian reservation is located may apply to the state agency for payment, out of state funds, of the entire amount of aid paid toward Indians residing in the county and on the Indian reservation. The state agency shall make, or cause to be made, a complete investigation of the financial condition of any county so applying, and if the investigation shows that the financial condition of the county is such that it would be inequitable to ask the county to contribute its share of the amount necessary to provide aid to such Indians and the state agency may use funds appropriated to the public welfare fund for aid to disabled persons to pay such part of the costs of aid to such ward Indians as is not paid by the federal government.

§ 21. COUNTY SHARE OF AID TO DISABLED PERSONS.) Each county shall reimburse the state agency for fifteen per cent of the amount expended, in excess of the amount provided by the federal government, for aid to disabled persons in such county.

§ 22. HOW COUNTY SHARE PAID.) The state agency shall keep records and accounts of the expenditures for aid to disabled persons in each county in North Dakota. Claims for reimbursement under the provisions of section 21 shall be presented by the state agency to the board of county commissioners at the end of each calendar month. The executive director of the state agency shall certify to each county the total amount paid for aid in that county, and the county's share of such payments. The amount so certified shall be paid to the treasurer of the state agency from the county treasury upon the audit and approval of the county auditor and the chairman of the board of county commissioners.

§ 23. COUNTY APPROPRIATION.) The board of county commissioners in each county of this state shall appropriate annually such sum as, in its judgment, may be needed to carry out the provisions of this Act, including expenses of administration based upon a budget prepared by the county agency, after taking into account state aid, and shall include in the tax levy for such county the sum or sums appropriated for that purpose. Should the sum so appropriated, however, be expended or exhausted during the year and for the purpose for which it was appropriated, additional sums shall be appropriated by the board of county commissioners.

§ 24. COUNTY'S SHARE OF FUNDS FURNISHED BY STATE WHEN.) If the financial condition of any county is such that it cannot make an appropriation or levy a tax for aid to disabled to provide the necessary funds to comply with the provisions of this

persons, or cannot legally issue warrants in an amount sufficient Act, the board of county commissioners shall report such fact to the state agency. The state agency shall make, or cause to be made, a complete investigation of the financial condition of such county. If such investigation shows that the county cannot appropriate the funds or legally issue warrants or levy a tax in an amount sufficient to provide the county's share of funds needed for aid to disabled persons in that county, the state agency may provide either as a grant or as a loan that county's share of funds for aid, or so much thereof as may be necessary, from state funds appropriated to the state agency for aid to disabled persons.

§ 25. AID TO THE PERMANENTLY AND TOTALLY DISABLED FUND.) The state agency shall establish a fund to be known as the North Dakota aid to the permanently and totally disabled fund. All moneys received by the state agency for aid to disabled persons from the state of North Dakota, from any of the counties within the state, from the United States under the provisions of the social security act, or from any other source, shall be placed in such fund. The treasurer of the state agency shall receive all such moneys as the same may be paid to him and shall deposit the same in such fund. The treasurer shall issue in triplicate receipts for all moneys received by him for the fund. Such receipts shall show the dates upon and the sources from which the moneys were received and there shall be delivered forthwith one copy to the person, officer, or agency making the payment, and one copy to the executive director of the state agency. The remaining copy shall be retained by the treasurer.

§ 26. DISBURSEMENTS FROM THE AID TO THE PERMANENTLY AND TOTALLY DISABLED FUND.) Disbursements from the aid to the permanently and totally disabled fund shall be made only for:

1. Aid to disabled persons payments; and

2. Expenses of administration of this Act.

All such disbursements shall be made only by checks or warrants drawn on the aid to the permanently and totally disabled fund. Such checks or warrants shall be drawn only by persons who are duly authorized so to do by resolution of the state agency.

§ 27. CASHING ASSISTANCE CHECKS AFTER DEATH OF PAYEE.) Aid checks delivered to a recipient before his death but not endorsed by such recipient may be endorsed and paid, upon approval of the county agency under rules and procedures adopted by the state agency.

§ 28. PERSON HANDLING MONEY TO FURNISH BOND.) The treasurer of the state agency and all persons having any control

over or who handle any of the moneys of the aid fund shall be bonded in such sum as the state agency by resolution shall require.

§ 29. RECOVERY OF AID FROM PERSON LIABLE FOR SUPPORT.) If, at any time during the continuance of any allowance granted under the provisions of this Act, it is ascertained that anyone who is liable for the support and care of a recipient of aid is able to afford the necessary support and care of such recipient but fails and refuses to do so, there shall exist a cause of action for such assistance against such person. The action shall be brought by the state's attorney in the name of the county in which such assistance was granted and against the person liable for the support of the recipient of the assistance. The action shall be brought for the recovery of the amount of money with interest thereon paid to such recipient, together with the costs and disbursements of the action.

§ 30. RECIPIENT TO NOTIFY STATE AGENCY OF RECEIPT OF PROPERTY OR INCOME; AID ALTERED OR CANCELED; PENALTY.) If, at any time during the continuation of aid, the recipient becomes the owner of any property or income in excess of the amount stated in the application provided for in section 8 he immediately shall notify the state agency of the receipt or possession of such property or income and the state agency, after investigation, either may cancel the aid or alter the amount thereof in accordance with the circumstances.

§ 31. RECOVERY FROM THE ESTATE OF RECIPIENT OF AID.) On the death of any recipient of aid, the total amount of aid paid under this Act shall be due and shall be allowed as a preferred claim against the estate of such person in favor of the state, after funeral expenses of the recipient and the recipient's spouse, not to exceed in each individual case one hundred fifty dollars, and such expenses of the last illness of the recipient and the recipient's spouse as are authorized or paid by the county agency, have been paid, and after the expenses of administering the estate, including the attorney's fees approved by the court, have been paid. No claim shall be enforced against the following:

1. Real estate of a recipient used for the support, maintenance, or comfort of the surviving spouse or a dependent;
2. Personal property necessary for the support, maintenance, or comfort of the surviving spouse or a dependent;
3. Personal effects, ornaments, or keepsakes of the deceased, not exceeding two hundred dollars in value.

§ 32. AUTHORITY TO COMPROMISE AND SETTLE.) The state agency may enter the appearance of the state in any proceeding affecting property upon which the state may have a claim for aid

furnished under this Act and may prosecute or defend in any such proceeding. The agency may institute probate proceedings as a creditor of a deceased person, and either in the course of or in the absence of and apart from any action or proceedings enter into any stipulation, compromise, settlement, or other agreement or arrangements in respect to such claims as may deem wise, and may execute any stipulation, modification, quit-claim, release partial release, discharge, extension, agreement, satisfaction, partial satisfaction or subrogation, or other contract, stipulation, or agreement which the interest of the parties or the circumstances of the case may make advisable.

§ 33. HOW MONEY COLLECTED FROM RECIPIENT OR ESTATE OF RECIPIENT DIVIDED.) Any amounts collected from any recipient, or anyone liable for the recipient's support, or from his estate, for aid paid under the provisions of this Act shall be deposited promptly in the fund and credited respectively to the federal government, the state, and the county in proportion to the amounts in which the aid payments represented funds contributed by the federal government, state and county.

§ 34. CONFIDENTIAL CHARACTER OF AID TO THE PERMANENTLY AND TOTALLY DISABLED RECORDS; PENALTY.) All applications, information, and records concerning any applicant or recipient of aid shall be confidential and shall not be disclosed or used for any purpose except for purposes directly connected with the administration of aid of this Act. Any person using any application, information, or records concerning any applicant or recipient for purposes not directly connected with the administration of aid to disabled persons is guilty of a misdemeanor.

§ 35. NO FEES TO BE CHARGED.) No person shall make any charge nor receive any fee from the applicant, recipient, or any other person for representing an applicant or recipient in any proceedings under the provisions of this Act, or with respect to any application for aid.

§ 36. FRAUDULENT ACTS; PENALTY.) Whoever knowingly obtains, or attempts to obtain, by means of a willfully false statement or representation, or by impersonation, or other fraudulent device, aid to which he is not entitled or aid greater than that to which he is justly entitled, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than twelve months, or by both such fine and imprisonment. In assessing the penalty, the court shall take into consideration, along with other factors, the amount of money fraudulently received.

§ 37. ASSISTANCE MAY BE DENIED WHEN APPLICANT REFUSES TREATMENT; APPEAL.) Aid under this Act may be denied to any

person who refuses medical, surgical, or other treatment when such person may be restored partially or wholly by such treatment, and a certificate in writing to that effect is made by the examining physician. Any person denied assistance upon this ground may appeal to the state agency in the manner provided in section 18.

§ 38. LIMITATIONS OF ACT.) All aid granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that hereafter may be passed. No recipient shall have any claim for compensation or otherwise because his aid is affected in any way by any amending or repealing act.

Approved March 6, 1951.

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## SALES AND EXCHANGES

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### CHAPTER 291

H. B. No. 695  
(Holand, Klefstad and Olson)

#### REDEMPTION AFTER RETAKING PROPERTY UNDER CONDITIONAL SALES CONTRACT; NOTICE

##### AN ACT

Providing for a period of redemption after retaking property under conditional sales contract and providing for notice of such retaking.

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

§ 1.) Whenever a seller who has the right to retake possession of property under a conditional sales contract does retake the property, such seller shall within four days after the retaking serve upon the buyer personally if the buyer resides within the county where the property is seized, or if such resident of a county cannot be found within the county then by registered mail directed to his last known address, or if the buyer is not a resident of said county where the property is seized, by registered mail directed to his last known address, a notice containing the following information: the amount necessary to redeem, date of such retaking and that the buyer may redeem said property within fifteen days from the date of such retaking, provided if such retaking is

accomplished by legal process no such notice thereof need be given. And further such seller shall retain the property for fifteen days after the retaking during which period the buyer, upon payment or tender by him of the amount due under the contract at the time of retaking, together with all costs and expenses of the retaking, may redeem the property and become entitled to the possession thereof, and to continue in the performance of the contract as if no default had occurred. Provided that if the then owner of the contract so elects and the contract so provides, the buyer may be required to pay the entire balance of the purchase price, together with the costs and expenses of retaking the same. If the buyer pays such entire balance together with the costs and expenses, he shall then have possession of and title to said property. Provided that if the property is perishable so that retention for fifteen days, as herein prescribed, would result in its destruction or substantial injury, the provisions of this section shall not apply and the buyer shall have no right of redemption.

§ 2.) No act or agreement of the buyer before or at the time of the making of the contract, or any agreement or statement by the buyer in such contract, shall constitute a valid waiver of the provisions of this Act, but the buyer, by an agreement in writing, executed subsequent to his default in payment, may waive the right of redemption thereby given.

§ 3.) This Act shall not apply in any case where the conditional sales contract and the rights of the buyer thereunder shall be foreclosed by action in any court of this state.

Approved March 9, 1951.

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**SOCIAL SECURITY**

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**CHAPTER 292**

H. B. No. 559  
(Legislative Research Committee)  
at the request of  
(The Unemployment Compensation Division)

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**DEFINITIONS OF TERMS USED IN N. D. UNEMPLOYMENT  
COMPENSATION LAW****AN ACT**

To amend and reenact subsection 5; subdivision d, and subparagraph a of paragraph 1, and paragraph 5 of subdivision i of subsection 15; and subsection 22 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, relating to definitions of terms used in the North Dakota unemployment compensation law.

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

§ 1. AMENDMENT.) Subsection 5 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

5. "Benefit year" means the one-year period beginning with the day as of which an insured worker first files a request for determination of his insured status and thereafter the one-year period beginning with the day as of which the individual next files such request after the end of his last preceding benefit year. The filing of a notice of unemployment shall be deemed a request for determination of insured status if a current benefit year has not been previously established.

§ 2 AMENDMENT.) Subdivision d of subsection 15 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

- d. Service not in the course of the employing unit's trade or business performed after January 1, 1951, in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this title an individual shall be deemed to be regularly employed to perform service

not in the course of an employing unit's trade or business during a calendar quarter only if on each of some twenty-four days during such quarter or during the immediately preceding quarter, such individual performed such service for some portion of a day.

§ 3. AMENDMENT.) Subparagraph a of paragraph 1 of subdivision i of subsection 15 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

- (a) The remuneration for such service does not exceed fifty dollars; or

§ 4. AMENDMENT.) Paragraph 5 of subdivision i of subsection 15 of section 15-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

- (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.

§ 5. AMENDMENT.) Subsection 22 of section 52-0101 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

22. "Wages" means all remuneration for service 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 service from persons other than his employing unit shall be treated as wages received from his employing unit. After January 1, 1951, back pay awarded under any statute of this state or of the United States shall be treated as wages. 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. For the purpose of a determination of insured status only, back-pay awards after January 1, 1951, shall be allocated to the quarters with respect to which they were paid. If the remuneration of an individual is not based upon a fixed period or duration of time or if his wages are paid at irregular intervals or in such manner as not to exceed regularly over the period

of employment, for the purposes of a determination of insured status only, the wages shall be allocated to weeks or quarters in accordance with regulations prescribed by the bureau. Such regulations shall, so far as possible, produce results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

The term "wages" shall not include :

- a. The amount of any payment made after the first day of January, 1951 including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment to, or on behalf of, an individual or any of his dependents under a plan or system established by an employing unit which makes provision generally for individuals performing service for it or for such individuals generally and their dependents or for a class or classes of such individuals, or for a class or classes of such individuals and their dependents, 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;
- b. The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made after January 1, 1951, by an employing unit to, or on behalf of an individual performing services for it after the expiration of six calendar months following the last calendar month in which the individual performed services for such employing unit;
- c. The amount of any payment made after January 1, 1951, by an employing unit to, or on behalf of, an individual performing services for it or his beneficiary (i) from or to a trust exempt from tax under section 165 (a) of the Federal Internal Revenue Code at the time of such payment unless such payment is made to an individual performing services for the trust as remuneration for such services and not as a beneficiary of the trust, or (ii) under or to an annuity plan which, at the time of such

- payments, meets the requirements of section 165 (a) (3), (4), (5), and (6) of the Federal Internal Revenue Code;
- d. The amount of any payment made 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 January 1, 1951;
  - e. Remuneration paid after January 1, 1951, in any medium other than cash to an individual for services not in the course of the employing unit's trade or business;
  - f. The amount of any payment, other than vacation or sick pay, made after January 1, 1951, to an individual after the month in which he attains the age of sixty-five, if he did not perform services for the employing unit in the period for which such payment is made; or
  - g. Dismissal payments before December 31, 1951, which the employing unit legally is not required to make.

Approved February 21, 1951.

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## CHAPTER 293

H. B. No. 560  
(Legislative Research Committee)  
at the request of  
(The Unemployment Compensation Division)

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### AMOUNTS OF UNEMPLOYMENT COMPENSATION BENEFITS

#### AN ACT

To amend and reenact sections 52-0604 and 52-0605 of the 1949 Supplement to the North Dakota Revised Code of 1943, and sections 52-0629 and 52-0633 of the North Dakota Revised Code of 1943, and to repeal subsection 5 of section 52-0601, of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to unemployment compensation benefits.

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

§ 1. AMENDMENT.) Section 52-0604 of the 1949 Supplement

to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0604. AMOUNT OF BENEFITS; TABLE; QUALIFYING WAGE; DEFINITIONS.)

1. Weekly Benefit Amount. Except as provided in subsection 2 of this section an insured worker's basic weekly benefit amount shall be the amount in Column B of the table in this subsection on the line on which, in column A there appears his total wages paid for insured work in that quarter of his base period in which such total wages were highest, and his augmented weekly benefit amount shall be his basic weekly benefit amount, plus the dependents' allowances in the Column E, F, or G of the table in this subsection which shows the number of his dependents on the line on which, in column B, there appears his basic weekly benefit amount. The number of dependents shall be determined as of the day with respect to which he first files a request for a determination of insured status in any benefit year, and shall be fixed for the duration of such benefit year, and for the duration of such benefit year no dependent who has been included in the determination shall be included as a dependent in any determination which is made on behalf of another insured worker.

Column A High Quarter Wages	Column B Basic Weekly Benefit Amount	Column C Minimum Qualifying Wage	Column D Maximum Potential Basic Benefits
\$ 52.50-\$168.00	\$ 7	\$210	\$140
168.01- 192.00	8	240	160
192.01- 216.00	9	270	180
216.01- 240.00	10	300	200
240.01- 264.00	11	330	220
264.01- 288.00	12	360	240
288.01- 312.00	13	390	260
312.01- 336.00	14	420	280
336.01- 360.00	15	450	300
360.01- 384.00	16	480	320
384.01- 408.00	17	510	340
408.01- 432.00	18	540	360
432.01- 456.00	19	570	380
456.01- 480.00	20	600	400
480.01- 504.00	21	630	420
504.01- 528.00	22	660	440
528.01- 552.00	23	690	460
552.01- 576.00	24	720	480
576.01 and over	25	750	500

Augmented Weekly Benefit Amount		
Column E	Column F	Column G
1	3	3
Dependent	Dependents	or more Dependents
\$ 9	\$10	\$10
10	12	12
11	13	13
12	14	15
13	15	16
14	16	18
15	17	19
16	18	20
17	19	21
18	20	22
19	21	23
20	22	24
21	23	25
22	24	26
23	25	27
24	26	28
25	27	29
26	28	30
27	29	31

2. **Qualifying Wage.** To qualify as an insured worker an individual must have been paid wages for insured work in his base period totaling not less than the amount in column C of the table in subsection 1 of this section on the line on which, in column B, there appears his basic weekly benefit amount, and such wages must have been paid in at least two quarters of his base period; however, if any individual during his base period has not been paid such an amount but has been paid wages totaling not less than the amount appearing in column C on the line immediately above, he can qualify as an insured worker and his weekly benefit amount shall be the amount appearing in Column B on such line.

3. **Definitions.** For the purposes of this title, the term "insured worker" means an individual who with respect to a base period, meets the wage and employment requirements of this chapter. For the purposes of this title a "dependent" means a claimant's unmarried child, including stepchild and adopted child, whether or not legally adopted, who is under 18 years of age and is living with the claimant or receiving regular support from the claimant.

§ 2. AMENDMENT.) Section 52-0605 of the 1949 Supple-

ment to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

52-0605. MAXIMUM POTENTIAL BENEFITS.) The maximum potential basic benefits for any insured worker in a benefit year shall be equal to twenty times his basic weekly benefit amount. In addition, he shall be entitled to dependents' allowances for each week of employment for which benefits are payable. Dependents' allowances paid in accordance with this title shall not be chargeable to the employer's account for experience rating purposes.

§ 3. AMENDMENT.) Section 52-0629 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0629. PAYMENT OF BENEFITS; BENEFITS TO A DECEASED OR MENTALLY INCOMPETENT INSURED WORKER.) Benefits shall be paid promptly in accordance with a determination or redetermination except that if such determination or redetermination is upon the first claim with respect to a benefit year, or if the record of the proceeding on the claim indicates that a disqualification has been alleged or may exist, such benefits shall not be paid prior to the expiration of the period for appeal. If pursuant to a determination or redetermination, benefits are payable in any amount as to which there is no dispute, such amount of benefits shall be paid promptly regardless of any appeal. The commencement of a proceeding for judicial review pursuant to section 52-0627 shall not operate as a supersedeas or stay unless the bureau shall so order and the filing of a petition for judicial review shall not authorize the bureau or any court to direct the denial of any benefits which would have been payable under the bureau's decision. If any benefits are paid to any individual by reason of a determination, redetermination, or decision of an appeals tribunal or of the bureau or of any court, and said determination or decision is later reversed, no employer's account shall be charged with such benefits so paid pursuant to such erroneous decision, but benefits shall not be paid for any subsequent weeks of unemployment involved in such reversal. Benefits due and payable to a deceased or judicially declared incompetent person may be paid in accordance with such regulations as the bureau shall prescribe, to the person or persons, payment to whom the bureau finds would effectuate the purposes of this title. Such regulations need not conform to the statutes applicable to the descent and distribution of decedent's estates. A receipt from the person or persons to whom the bureau makes payment shall fully discharge the fund and the bureau from liability for such benefits.

§ 4. AMENDMENT.) Section 52-0633 of the North Dakota

Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0633. RECOVERY AND RECOUPMENT.)

1. Any person who makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false or knowingly fails, or causes another to fail, to disclose a material fact, and as a result thereof has received any amount as benefits under this title to which he was not entitled shall, in the discretion of the bureau, be allowed to repay such amount to the bureau for the fund or to have such amount deducted from any future benefits payable to him under this title within the two-year period following the finding, if the evidence of such non-disclosure or misrepresentation has been found by a court of competent jurisdiction or in connection with a reconsideration or appeal pursuant to chapter 52-06 of this title.

2. No redetermination or decision shall be construed to authorize the recovery of the amount of any benefits paid to a claimant or the deduction of such amount from future benefits payable to him unless the written notice of such redetermination or decision specifies that he is liable to repay to the fund the amount of benefits paid to him by reason of a non-disclosure or misrepresentation of a material fact as specified in subsection 1 of this section, the nature of such non-disclosure or misrepresentation, and the week or weeks for which such benefits were paid.

3. In any case in which under this section a claimant is liable to repay any amount to the bureau, such amount shall be collectible without interest by civil action in the name of the bureau. ffff

§ 5. REPEAL.) Subsection 5 of section 52-0601 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 21, 1951.

## CHAPTER 294

H. B. No. 558  
(Legislative Research Committee)  
at the request of  
(The Unemployment Compensation Division)

PAYMENTS; RATES AND BASE OF CONTRIBUTIONS TO  
UNEMPLOYMENT COMPENSATION FUND

## AN ACT

To amend and reenact sections 52-0401 and 52-0403 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to payment of contributions to the unemployment compensation fund.

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

§ 1. AMENDMENT.) Section 52-0401 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0401. PAYMENT OF CONTRIBUTIONS BY EMPLOYER; WHEN; How; (CONTRIBUTIONS PAID IN ERROR TO ANOTHER STATE.)

1. Contributions shall accrue and become payable by each employer, for each calendar year in which he is subject of 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; and
2. Contributions due with respect to wages for insured work shall be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal employment security law, if payment into the fund of such contributions is made on such terms as the bureau finds will be fair and reasonable as to all affected interests.

§ 2. AMENDMENT.) Section 52-0403 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0403. RATES AND BASE OF CONTRIBUTIONS OF WAGES PAID BY EMPLOYER.) Each employer shall pay contributions equal to two and seven-tenths percent of wages paid by him during the calendar year with respect to employment; except as otherwise provided in this chapter. For the purpose of this title and subsequent to January 1, 1951, wages shall not include that part of remuneration which after remuneration equal to three thousand dollars has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state employment fund. For the purpose of this title, the term employment shall include service constituting employment under any employment security law of another state or of the federal government.

Approved February 19, 1951.

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## CHAPTER 295

Senate Bill No. 239  
(Schoeder, Geelan and Thomas)

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### PRESERVATION OF RIGHTS OF PUBLIC EMPLOYEES IN MILITARY SERVICE

#### AN ACT

To protect the benefits of chapter 52-09 of the 1949 Supplement to the North Dakota Revised Code of 1943 to public employees who are called into the military service of the United States during the continuance of such service; and declaring an emergency.

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

§ 1. PRESERVATION OF RIGHTS OF PERSON IN MILITARY SERVICE.) If any person who is now employed in the public service of the State of North Dakota or any political subdivision thereof and is contributing to the fund provided for by section 22-0905 of the 1949 Supplement to the North Dakota Revised Code of 1943 at the time of induction is inducted into the military service of the United States, all rights of such employee and his dependents accrued under the provisions of chapter 52-09 shall be preserved unimpaired during the continuance of such military service; and

if such person, within 90 days after discharge from such military service, resumes his status as a public employee, he shall have full credit for the time of such service the same as if during such time he had continued in the public service upon his paying into said fund the sum which he would have contributed thereto had he remained in such public service, at the rate of contribution he was making at the time of such induction.

§ 2. CONTRIBUTION BY EMPLOYER CONTINUED.) In the event such employee shall elect to resume his status and pay into the fund an additional contribution as provided in Section 1 hereof, then the employer, within sixty days after notice of such election and payment, shall pay into such fund the contributions required to match such payments.

§ 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 27, 1951.

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## CHAPTER 296

S. B. No. 53

(Legislative Research Committee)  
at the request of

(The Unemployment Compensation Division)

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### RETIREMENT OF PUBLIC EMPLOYEES; BENEFIT PAYMENTS

#### AN ACT

To amend and reenact subsection G of section 52-0914, subsection A of section 52-0915 and subsection D of section 52-0920, of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to retirement of public employees.

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

§ 1. AMENDMENT.) Subsection G of section 52-0914 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

G. Upon the death, after June 30, 1947, of an individual who died a fully or currently insured individual leaving no surviving widow, child, or parent who would, on filing application in the month in which such individual died,

be entitled to a benefit for such month under subsection C, D, E, or F of this section, an amount equal to three times a primary insurance benefit of such individual shall be paid in a lump sum to the following person, or if more than one, shall be distributed among them, whose relationship to the deceased is determined by the bureau, and who is living on the date of such determination, to the widow or widower of the deceased, or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who are, under the intestacy law of the state where the deceased was domiciled, entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law, or, if no widow or widower and no such child and no such other person be then living, to the parent or to the parents of the deceased, in equal shares. A person who is entitled to share as distributee with an above-named relative of the deceased shall not be precluded from receiving a payment under this subsection by reason of the fact that no such named relative survived the deceased or of the fact that no such named relative of the deceased was living on the date of such determination. If none of the persons described in this subsection be living on the date of such determination, such amount shall be paid to any person or persons, equitably thereto, to the extent and in the proportions that he or they shall have paid expenses of burial of the deceased. No payment shall be made to any person under this subsection, unless application therefor shall have been filed, by or on behalf of any such person, whether or not legally competent, prior to the expiration of two years after the death of such individual.

§ 2. AMENDMENT.) Subsection A of section 52-0915 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- A. Whenever the total of benefits under section 52-0914, payable for a month with respect to an individual's wage, is more than \$20 and exceeds (1) \$150.00, or (2) an amount equal to 80 per centum of his average monthly wage as defined in section 52-0920 (e), whichever of such amounts is least, such total of benefits shall, prior to any deductions under subsection (D) be reduced to such least amount or to \$20 whichever is the greater.

§ 3. AMENDMENT.) Subsection D of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- D. The term "primary insurance benefits" means an amount equal to the sum of the following:
- (1) (a) 50 per centum of the amount of an individual's average monthly wage if such average monthly wage does not exceed \$75, or (b) if such average monthly wage exceeds \$75, 50 per centum of \$75, plus 15 per centum of the amount by which such average monthly wage exceeds \$75 and does not exceed \$250, and
  - (2) An amount equal to 1 per centum of the amount computed under paragraph (1) multiplied by the number of years in which \$200 or more of wages were paid to such individual. Where the primary insurance benefits thus computed is less than \$10, such benefit shall be \$10.

Approved February 27, 1951.

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CHAPTER 297

H. B. No. 563  
(Legislative Research Committee)  
at the request of  
(The Unemployment Compensation Division)

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RETIREMENT OF PUBLIC EMPLOYEES

AN ACT

To amend and reenact subdivision 1 of subsection F and subsection P of section 52-0920, and section 52-0909 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to retirement of public employees.

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

§ 1. AMENDMENT.) Subdivision 1 of subsection F of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- (1) He had not less than one quarter of coverage for each two of the quarters elapsing after July 1, 1947, and up to but excluding the quarter in which he retired after he had attained the age of sixty-five, or died, whichever first occurred and in no case less than six quarters of coverage, excepting that no employee who has passed his sixtieth birthday prior to July 1, 1947, shall be paid any benefits until he would have been covered for ten full quarters immediately preceding his retirement or death; or

§ 2. AMENDMENT.) Subsection P of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

P. Wherever the words "political subdivision" appear in this chapter they shall include municipal corporations, and counties and other political subdivisions or instrumentalities electing coverage in accordance with the provisions of section 52-0923.

§ 3. AMENDMENT.) Section 52-0909 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0909. RATE OF CONTRIBUTION.) In addition to all other taxes there is hereby levied upon each employer, as defined in section 52-0920 and also upon each employee, as defined in section 52-0920, a tax equal to one and one-half per centum of the wages, to be paid by each employer and each employee. The tax imposed by this chapter shall be collected by the employer from the employee by deducting the amount of the tax from the wages as and when paid.

Approved February 20, 1951.

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CHAPTER 298

S. B. No. 108  
(Nordhougen and Page)

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COVERAGE UNDER OLD AGE AND SURVIVORS  
INSURANCE SYSTEM

AN ACT

To amend and reenact subsection M of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to coverage under the state old age and survivors insurance system.

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

§ 1. AMENDMENT.) Subsection M of section 52-0920 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

M. Members of the state legislative assembly, officials of the state, city, village, township, and county, and other governmental instrumentalities elected by the vote of the people; employees

who are members of any other retirement system in the state which is maintained in whole or in part by public contributions unless such political subdivision or its instrumentalities as a whole elect to adopt this system are exempted from the provisions of this chapter. Elected state officials may individually elect to adopt this system by application to the bureau for such coverage. Such coverage may, at the option of the applicant, be made retroactive to January 1, 1950, upon payment by the applicant of his accrued contribution for the retroactive period.

Approved February 27, 1951.

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## SPORTS AND AMUSEMENTS

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### CHAPTER 299

H. B. No. 785  
(Leier)

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#### REGULATION AND LICENSING OF AMUSEMENT GAMES AND DEVICES

##### AN ACT

To license and regulate the operation of amusement games and devices; levying a tax therefor, appropriating revenue derived therefrom, and repealing all Acts and parts of Acts in conflict therewith.

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

§ 1 AMENDMENT.) Section 53-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0401. Definitions. In this chapter, unless the context or subject matter otherwise requires;

1. "Amusement games or devices" shall include such games and devices as electric ray guns, music boxes, picture boxes, bumperball or pinball, and other similar miniature games or devices, whether or not they show a score, where a charge for playing or operating is collected but shall not apply to any machine which may constitute a lottery under the laws of this state;
2. "Person" shall include any partnership or corporation.

§ 2. AMENDMENT.) Section 53-0402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0402. License of Amusement Games and Devices Required. No person shall set up for operation, operate, lease or distribute for the purpose of operating, any amusement game or device which can be operated legally in this state, without first having obtained a license therefor.

§ 3. AMENDMENT.) Section 53-0403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0403. Annual License Required; Fee. Any person who displays any amusement game or device, as defined in this chapter, to the public to be played or operated by the public, shall secure for each game or device an annual license, the fee therefore being due and payable on July first of each year. No license shall be issued for any fractional portion of a year, except that if any game or device is put on display at any time after January first and before July first of any year, the license fee for such period until July first shall be one-half of the amount of the license fee provided for in this chapter.

§ 4. AMENDMENT.) Section 53-0404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0404. License Fee. Before any such game or amusement device is put on display to the public, to be played or operated by the public, the owner or person in possession thereof shall pay an annual license fee as follows:

1. For all games or devices operated by the payment or insertion of a penny, five dollars per year for each machine or device;
2. For all games or devices operated by the payment or insertion of a five-cent piece or a coin of greater denomination, the sum of fifteen dollars per year for each machine or device.

§ 5. AMENDMENT.) Section 53-0405 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0405. Administering and Enforcing Provisions of Chapter; Confiscation of Machines and Devices. The attorney general's licensing department shall administer and enforce the provisions

of this chapter, and for that purpose the attorney general is directed and authorized to make, promulgate, and enforce such reasonable rules and regulations as he may deem necessary and expedient. The attorney general and the inspectors of such department may confiscate all machines and devices as defined in this chapter upon which the license fee required as provided in section 53-0404 has not been paid, and may do any and all things necessary or expedient for the strict enforcement of the provisions of this chapter.

Approved March 13, 1951.

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CHAPTER 300

S. B. No. 226  
(Nordhougen)

AMUSEMENT DEVICE LICENSE COLLECTIONS; DEPOSIT;  
APPROPRIATION TO GENERAL FUND

AN ACT

Relating to moneys collected for licenses on amusement devices; providing for the deposit of all such moneys in the general fund in the state treasury; amending and reenacting section 53-0407 of the North Dakota Revised Code of 1943; appropriating moneys now in the special fund to the general fund, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 53-0407 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0407. ALL MONEY REMITTED TO STATE TREASURER.) All money collected under the provisions of this chapter for licenses on amusement devices shall be remitted to the state treasurer and shall be credited to the general fund of the state.

§ 2. APPROPRIATION.) The special fund established in accordance with the provisions of chapter 53-04 of the North Dakota Revised Code of 1943, and consisting of moneys derived from the licensing of amusement devices is hereby terminated and all moneys in such fund are hereby appropriated and transferred to the general fund in the state treasury.

§ 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 7, 1951.

## CHAPTER 301

H. B. No. 639

(Power, Laske, Simenson, Roen, Fleenor and Robinson)

## WATER CRAFT; REGULATING SAFE OPERATION; PENALTIES

## AN ACT

Relating to watercraft; providing for the safe operation thereof; and providing penalties.

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

§ 1.) Any person who shall operate any watercraft upon any of the waters of this state,

1. While under the influence of narcotics or intoxicating liquors;
2. At a rate of speed dangerous to himself or other persons or property;
3. Which is not seaworthy by reason of construction, inadequate equipment, overcrowding or overloading; or
4. In a reckless or imprudent manner;

shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

Approved March 7, 1951.

# 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.

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## CHAPTER 308

### S. B. No. 60

(At the request of State Board of Administration)

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## 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.

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## CHAPTER 309

S. B. No. 170

(Dahl, Spiekermeier, Sauer, and Sandness)

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### 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.

## SUCCESSION AND WILLS

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### CHAPTER 311

S. B. No. 161  
(Shure and Day)

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#### ORDER OF SUCCESSION TO PROPERTY

##### AN ACT

To amend and reenact subdivision c of subsection 2 of section 56-0104 of the North Dakota Revised Code of 1943, relating to the order of succession to property; providing that where the decedent leaves no issue, and both the father and mother are dead, and the estate does not exceed fifty thousand dollars, the whole of the estate goes to the surviving husband or wife.

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

§ 1. AMENDMENT.) Subdivision c of subsection 2 of section 56-0104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

c. No issue, and both the father and mother are dead, and the estate does not exceed fifty thousand dollars, the whole thereof goes to the surviving husband or wife;

Approved March 5, 1951.

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**TAXATION**

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**CHAPTER 312**

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**H. B. No. 705**

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(Rhode, Etestad, Erickson, Lindberg of Burke-Divide, Mollet,  
Hageman, Langseth of Eddy-Foster)

**EXEMPTION OF PARTIAL VALUE OF FARM MACHINERY****AN ACT**

To amend and reenact section 57-0220 of the North Dakota Revised Code of 1943, relating to taxation; providing for the exemption of that part of the value of farm machinery upon which the sales or use tax has been paid; and declaring an emergency.

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

§ 1. AMENDMENT.) Section 57-0220 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-0220. EXEMPTION OF FARM MACHINERY FOR ONE YEAR.) That part of the value of farm machinery on which sales or use tax is paid, purchased after August first, to be used by the buyer in his farming operations, shall be exempt to the buyer from the personal property tax which would be assessed and levied against it in the first year after its purchase were this section not in force. Any dealer in farm machinery may not claim the exemptions provided for in this section even though farm machinery owned by him is used in farming operations.

§ 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 1, 1951.

## CHAPTER 313

H. B. No. 542  
(Legislative Research Committee)

## ASSESSORS IN TOWNSHIPS AND UNORGANIZED TERRITORIES

## AN ACT

To amend and reenact section 57-0233 of the 1949 Supplement to the North Dakota Revised Code of 1943, and section 58-0902 of the North Dakota Revised Code of 1943, relating to assessors in townships and unorganized territories; and declaring an emergency.

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

§ 1. AMENDMENT.) Section 57-0233 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-0233. ASSESSOR DISTRICTS FOR UNORGANIZED TERRITORY.) All counties or parts of counties in this state not organized into civil townships shall be divided into assessor districts, which shall comprise the same territory as the commissioner districts of said county, excluding organized civil townships and organized cities and villages, and the district assessor thereof shall be elected at the same time that state officers are elected, and his term of office shall be two years from and after the first day of January following. In case of vacancy in the office of district assessor in any of such districts, such vacancies shall be filled by the board of county commissioners. All assessors of territory not organized into civil townships shall be paid seven dollars per day each and no more, for the time actually spent by them in making and completing the assessment, to be paid from the treasury of the county in which such district is located only upon an itemized statement setting forth the actual time spent, approved by the board of county commissioners. No person shall be eligible to be a district assessor unless he is a voter and owner of real estate or personal property in this district.

§ 2. AMENDMENT.) Section 58-0902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0902. COMPENSATION OF ASSESSOR.) The township assessor shall receive as compensation for his services seven dollars per day for each day actually and necessarily employed in making

and completing the assessment of his township. The compensation shall be paid out of the township treasury upon an itemized statement setting forth the actual time spent in the work of assessor, approved by the board of township supervisors.

§ 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 15, 1951.

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CHAPTER 314

H. B. No. 654  
(Beede and McInnes)

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MAILING ASSESSORS PROPERTY STATEMENTS TO  
NON-RESIDENTS

AN ACT

To amend and reenact section 57-0237 of the North Dakota Revised Code of 1943, relating to assessors; providing that assessor shall mail copy of statement of property listed to non-residents.

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

§ 1. AMENDMENT.) Section 57-0237 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-0237. DUTY OF ASSESSOR UPON FAILURE TO OBTAIN ASSESSMENT; COPY OF ASSESSMENT LIST TO NONRESIDENT.) In all cases of failure to obtain a statement of personal property, the assessor shall ascertain the amount and value of such property and shall assess the same at such amount as he believes to be the true value thereof. Upon request, he shall deliver to the person assessed a copy of the statement of property so listed, which copy shall be signed by the assessor. Where property of a nonresident is assessed under the provisions of this section, the assessor shall mail a copy of the statement of property so listed, to such nonresident at his last known postoffice address.

Approved February 20, 1951.

## CHAPTER 315

H. B. No. 631  
(Levin, Lillehaugen, Hofstrand, Leier)

COUNTY TAX LEVY LIMITATION FOR AGRICULTURAL  
AND TRAINING SCHOOLS

## AN ACT

To amend and reenact subdivision f of subsection 3 of section 57-1506 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to county levies for agricultural and training schools.

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

§ 1. AMENDMENT.) Subdivision f of subsection 3 of section 57-1506 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- f. To the tax levied pursuant to the provisions of chapter 42 of the title Education, for support and maintenance of county agricultural and training schools, up to a maximum of two and one half mills on the assessed value in the county for such purpose. Nothing herein contained shall be construed to prevent the appropriation of money from the county general fund for the support and maintenance of county agricultural and training schools.

Approved March 7, 1951.

## CHAPTER 316

H. B. No. 584  
(Link and Rolfsrud)

COUNTY FARM TO MARKET AND FEDERAL AID ROAD  
PROGRAM; TAX LEVY

## AN ACT

Relating to county roads, providing for the adoption of farm-to-market, and federal aid road program, and authorizing a levy for matching aid for such program upon approval by the electors.

*Be It Enacted by the Legislative Assembly of the State of*

*North Dakota:*

§ 1.) The board of county commissioners of any county in this state may prepare a proposed county construction program of farm-to-market and federal aid roads, setting forth a general description of the roads to be constructed, the location of bridges constituting a part of the program, the approximate total mileage, and the priority of construction. After approval of such program by the state highway department and the bureau of public roads, the board may submit such program to the electors of the county with the question of levying a tax of not to exceed five mills upon the net taxable assessed valuation of all property in the county for the completion of such program by matching, from the proceeds of such tax, federal funds available for federal aid, secondary and feeder roads, farm-to-market roads, and all roads as provided for under Public Law 769, 81st Congress or future Federal Aid Highway Acts of a similar character. If the majority of the electors voting on the question approve such program and levy, annually thereafter until such program is completed the board shall levy a tax not in excess of five mills, which levy shall not be subject to the county mill levy limitations, and the proceeds of such tax shall be used only for matching federal aid available for such program which shall be the official county road program.

Approved March 7, 1951.

## CHAPTER 317

S. B. No. 109  
(Schrock, Geeland, Baeverstad and Fetton)

FIRE DEPARTMENT RESERVE FUND LEVY, CITIES AND  
VILLAGES

## AN ACT

Relating to city or village levies of not to exceed two mills for fire department reserve fund, and providing for approval of such levy by the electors.

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

§ 1.) The governing body of any city or village, when authorized to do so by sixty percent of the electors voting on the question in a regular or special election called by the governing body, may levy taxes annually, not in excess of two mills on the net taxable assessed valuation, for a fire department building or equipment reserve fund. Such levy shall be in addition to and not restricted by the levy limitations prescribed by law. The proceeds of such levy shall be placed in a separate fund known as the fire department reserve fund and shall be used solely and exclusively for the purchase of necessary fire fighting equipment or building therefor. No levy shall be made under this section during any period in which the moneys in the fund equal or exceed an amount equal to the sum that would be produced by a levy of ten mills upon the net taxable assessed valuation of the city or village making such levy.

Approved February 27, 1951.

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**CHAPTER 318**

H. B. No. 799  
(Fitch)

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**CITY TAX LEVY FOR ACQUIRING REAL ESTATE FOR PUBLIC  
BUILDINGS; LIMITATION**

**AN ACT**

Authorizing cities to levy taxes for the purpose of acquiring real estate to be used as a site for public buildings.

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

§ 1.) The governing body of any city having a population of twenty-five hundred or more may levy taxes annually, not in excess of two mills in each year, for a period not to exceed eight successive years, for a fund which shall be used for the purpose of acquiring real estate as a site for public buildings. This levy shall be in addition to and not restricted by the levy limitations prescribed by law.

Approved March 8, 1951.

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**CHAPTER 319**

S. B. No. 234  
(Bridston)

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**DEPOSIT AND INVESTMENT OF SCHOOL DISTRICT BUILDING  
AND SPECIAL RESERVE FUNDS**

**AN ACT**

To amend and reenact sections 57-1517 of the 1949 Supplement to the North Dakota Revised Code of 1943 and 57-1902 of the North Dakota Revised Code of 1943, relating to deposit and investment of school district building and special reserve funds.

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

§ 1. AMENDMENT.) Section 57-1517 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1517. DISPOSITION OF BUILDING FUND TAX.) Revenue raised for building purposes shall be disposed of as follows:

1. All revenue accruing from appropriations or tax levies for a school building fund, together with such amounts

as may be realized for building purposes from all other sources, shall be placed in a separate fund known as a school building fund, and shall be deposited, held, or invested in the same manner as the sinking funds of such school district or in the purchase of shares or securities of federal savings and loan associations or state chartered building and loan associations within the limits of federal insurance. Such funds shall be used solely and exclusively for the purpose of erecting new school buildings, or additions to old school buildings, or major repairs of existing buildings, and shall be paid out by the custodian thereof only upon order of the school board, signed by the president and the clerk of said school district, such order must recite upon its face the purpose for which such payment is made;

2. Any moneys remaining in a school building fund after the completion of the payments for any school building project which has cost seventy-five percent or more of the amount in such building fund at the time of letting the contracts therefor, shall be returned to the general fund of the school district upon the order of the school board;
3. The governing body of any school district may pay into the general fund of the school district any moneys which have remained in the school building fund for a period of ten years or more, and such district may include the same as a part of its cash on hand in making up its budget for the ensuing year. In determining what amounts have remained in said fund for ten years or more, all payments which have been paid from the school building fund for building purposes shall be considered as having been paid from the funds first acquired.

§ 2. AMENDMENT.) Section 57-1902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1902. FUND DEPOSITED WITH COUNTY TREASURER.) Such special reserve fund shall be deposited with the county treasurer of the county in which the school district, or the greater part of its territory, is situated, for the use and benefit of the school district, to be drawn upon as provided in this chapter, and kept by such county treasurer as a separate trust fund. Moneys in such fund may be deposited, held, or invested in the same manner as the sinking fund of the district or in the purchase of shares or securities of federal savings and loan association or state chartered building and loan associations, within the limits of federal insurance.

Approved March 5, 1951.

## CHAPTER 320

S. B. No. 237  
(Anderson and Nordhougen)

REPEAL TAX LEVIES FOR COUNTY IMPROVEMENT  
AN ACT

To repeal chapter 57-18 of the North Dakota Revised Code of 1943, relating to levies for county improvement.

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

§ 1. REPEAL.) Chapter 57-18 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 7, 1951.

## CHAPTER 321

S. B. No. 54  
(Legislative Research Committee)

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION  
FROM TAX SALES

## AN ACT

To amend and reenact subsection 3 of section 57-2702 of the North Dakota Revised Code of 1943, relating to notice of expiration of period of redemption from tax sales.

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

§ 1. AMENDMENT.) Subsection 3 of section 57-2702 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. The notice shall be served personally upon any person actually residing upon the property covered by a tax sale certificate and upon any tenant or other person entitled to the possession of said property as may appear from the records of the register of deeds; and

Approved February 7, 1951.

## CHAPTER 322

H. B. No. 783  
(Bourgois, Fleck and Jansonius)

RURAL ELECTRICAL COOPERATIVES TAX IN LIEU OF  
PERSONAL PROPERTY TAX

## AN ACT

To amend and reenact section 57-3304 relating to taxation of rural electric cooperatives and providing that the tax imposed shall be in lieu of personal property tax.

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

§ 1. AMENDMENT.) That section 57-3304 of the 1943 Revised Code of the state of North Dakota, be amended and reenacted to read as follows:

Section 57-3304. TAX IMPOSED IN LIEU OF PERSONAL PROPERTY TAX.) The tax commissioner shall levy on each cooperative a tax upon its gross receipts for the preceding calendar year. Each year for the first five years during which such cooperative is engaged in business the tax shall be one per cent and thereafter the tax shall be two per cent of its gross receipts. Provided however, that for the purpose of determining when the two per cent rate shall be applied, that the first year during which such cooperative is engaged in business, within the meaning of this section, shall be the first year during which such cooperative is engaged in business on or before April first of that year. The tax hereby imposed shall be in lieu of any other taxes levied on the personal property of such cooperatives. All of the provisions of law with respect to the due date, the date of delinquency, interest rate, penalty, and enforcement of collection of personal property taxes, generally shall be equally applicable to the tax provided for in this chapter.

Approved March 1, 1951.

## CHAPTER 323

S. B. No. 251

(Dahl, Shure, Feton, Morgan, Rue, Day, Geelan, Duffy, Schrock,  
Sandness and Pyle)

## SEPARATE AND ADDITIONAL CIGARETTE TAX

## AN ACT

To provide public revenue to be used for the maintenance of city and village governments by imposing a separate and additional tax of one-half mill on each cigarette sold within this state, and to provide for the collection of such tax and the distribution and use of the revenue derived therefrom, and fixing penalties for violation.

§. 1. SEPARATE AND ADDITIONAL TAX ON THE SALE OF CIGARETTES; COLLECTION.) There is hereby levied and assessed and there shall be collected by the proper officer and paid to the state treasurer, upon all cigarettes sold in this state, an additional tax, separate and apart from all other taxes, of one-half mill on each such cigarette, to be collected as existing taxes on cigarettes sold are, or hereafter may be, collected, by use of appropriate stamps and under similar accounting procedures.

§ 2. ALLOCATION OF REVENUE.) All moneys received by the state treasurer from the proceeds of the tax provided in section 1 hereof are hereby appropriated and shall be, and on or before the thirtieth day of June and the thirty-first day of December of each year, distributed on a per capita basis to the incorporated cities and villages, of the state, to be used by such incorporated cities and villages for such purposes as are now or may be hereafter authorized by law, the allocation to be based upon the population of each incorporated city and village according to the last official decennial federal or official state census, and warrants shall be drawn payable to the treasurers of such cities and villages.

§ 3. TAX AVOIDANCE PROHIBITED.) No person, firm or corporation shall transport or bring or cause to be shipped into the state of North Dakota any cigarettes as provided herein, other than for delivery to wholesalers in this state, without first paying such tax thereon to the state treasurer.

§ 4. PENALTY.) Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor.

Approved March 7, 1951.

## CHAPTER 324

H. B. No. 648  
(McLellan, Beede, Holand)

GROSS ESTATE OF NON-RESIDENT DECEDENT; EXCEPTION;  
RECIPROCITY WITH OTHER STATES

## AN ACT

To amend and reenact section 57-3703 of the North Dakota Revised Code of 1943, relating to estate taxation; providing for the determination of the gross estates of nonresident decedents and for reciprocity in the taxation of intangible personal property.

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

§ 1. AMENDMENT.) Section 57-3703 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3703. GROSS ESTATE OF NONRESIDENT DECEDENT; EXCEPTION, RECIPROCITY WITH OTHER STATES.) The value of the gross estate of a nonresident decedent shall be determined by including the following property:

1. All real property located within this state;
2. All tangible personal property having an actual situs within this state;
3. Sheriff's certificate of sale of real estate situated in this state;
4. Decedent's equitable interest in real estate within this state; and

5. The full value of shares of stock in domestic corporations. However, no intangible personal property shall be included in determining the value of such gross estate if the nonresident decedent at the time of the transfer is a resident of a state or territory of the United States, or of a foreign country, which at the time of the transfer did not impose a transfer tax or death tax of any character in respect to intangible personal property of residents of this state, or if the laws of such state or territory of the United States or foreign country at the time of the transfer contained a reciprocal provision under which the intangible personal property of residents of this state was exempt from transfer taxes or death taxes of any character provided this state allowed a similar exemption to the residents of such state or territory of the United States or foreign country. The tax commissioner may enter into agreements with the authorized tax officials of other states to carry out the reciprocal provisions of this section.

Approved March 5, 1951.

## CHAPTER 325

H. B. No. 729  
(McLellan and Holand)

## DETERMINATION OF NET ESTATE

## AN ACT

To amend and reenact section 57-3711 of the North Dakota Revised Code of 1943 relating to the determination of net estate for North Dakota estate tax purposes.

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

§ 1. AMENDMENT.) Section 57-3711 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3711. DETERMINATION OF NET ESTATE.) For the purposes of this chapter, the value of the net estate of the decedent shall be determined by deducting from the value of the gross estate the following:

1. An exemption, not exceeding the amount specified in each case, of the value of the property passing to each of the following beneficiaries:
  - a. Lineal ancestor or descendant, adopted child, step child or lineal descendant of an adopted child or step child, not exceeding two thousand dollars, and if a minor, not exceeding five thousand dollars;
2. An exemption to a surviving spouse determined as follows:
  - a. An amount equal to the value of any interest in property which passes or has passed from the decedent to his or her surviving spouse, but only to the extent that such interest is included in determining the value of the gross estate, subject, however, to the limitation provided in subdivision H.
  - b. Where, upon the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur, such interest passing to the surviving spouse will terminate or fail, no deduction shall be allowed with respect to such interest
    - (1) if an interest in such property passes or has passed, for less than an adequate and full consideration in money or money's worth, from the decedent to any

person other than such surviving spouse, or the estate of such spouse, and

(2) if by reason of such passing such person, or his or her heirs or assigns, may possess or enjoy any part of such property after such termination or failure of the interest so passing to the surviving spouse; and no deduction shall be allowed with respect to such interest, even though such deduction is not disallowed under clauses (1) and (2) of this subdivision, if such interest is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by the trustee of a trust. For the purposes of this subdivision, an interest shall not be considered as an interest which will terminate or fail merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity for life or for a term.

- c. Where the assets, included in the decedent's gross estate, out of which, or the proceeds of which, an interest passing to the surviving spouse may be satisfied, include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets passed from the decedent to such spouse, then the value of such interest passing to such spouse shall, for the purposes of subdivision (a) of this subsection, be reduced by the aggregate value of such particular assets.
- d. For the purposes of subdivision (b) of this subsection, an interest passing to the surviving spouse shall not be considered as an interest which will terminate or fail upon the death of such spouse if (1) such death will cause a termination or failure of such interest only if it occurs within a period not exceeding six months after the decedent's death, or only if it occurs as a result of a common disaster resulting in the death of the decedent and the surviving spouse, or only if it occurs in the case of either such events, and (2) such termination or failure does not in fact occur.
- e. In determining, for the purposes of subdivision (a) of this subsection, the value of any interest in property passing to the surviving spouse for which a deduction is allowed by this subsection, (1) there shall be taken into account the effect which a tax imposed by this article, or any estate, succession, legacy, or inheritance tax, has upon the net value of the surviving spouse of such interest, and (2) where such interest or property is encumbered in any manner, or

where the surviving spouse incurs any obligation imposed by the decedent with respect to the passing of such interest, such encumbrance or obligation shall be taken into account.

- f. In the case of an interest in property passing from the decedent in trust, if under the terms of the trust the surviving spouse is entitled for life to all the net income from the corpus of the trust, payable annually or at more frequent intervals, with power in the surviving spouse to appoint the entire corpus free of the trust, exercisable in favor of such surviving spouse, or of the estate of surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others, and with no power in any other person to appoint any part of the corpus to any person other than the surviving spouse, (1) the interest so passing shall, for the purposes of subdivision (a) of this subsection, be considered as passing to the surviving spouse, and (2) no part of the interest so passing shall, for the purposes of clause (1) of subdivision (b) of this subsection, be considered as passing to any person other than the surviving spouse. This subdivision shall be applicable only if, under the terms of the trust, such power in the surviving spouse to appoint the corpus, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.
- g. In the case of an interest in property passing from the decedent consisting of proceeds under a life insurance, endowment, or annuity contract, if under the terms of the contract such proceeds are payable in installments or are held by the insurer subject to an agreement to pay interest thereon, whether the proceeds, upon the termination of any interest payments, are payable in a lump sum or in annual or more frequent installments, and such installments or interest payments are payable annually or at more frequent intervals, commencing not later than thirteen months after the decedent's death, and all amounts payable during the life of the surviving spouse are payable only to such spouse, and such spouse has the power to appoint all amounts payable under such contract, exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others, with no power in any other person to appoint to any person other than the surviving

spouse any part of the amounts payable under such contract. (1) such proceeds shall, for the purpose of subdivision (a) of this subsection be considered as passing to the surviving spouse, and (2) no part of such proceeds shall, for the purpose of clause (1) of subdivision (b) of this subsection, be considered as passing to any person other than the surviving spouse. This subdivision shall be applicable only if, under the terms of the contract, such power in the surviving spouse to appoint, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

- h. The aggregate amount of the deductions allowed under this subsection, computed without regard to this subdivision, shall not exceed fifty per centum of the value of the adjusted gross estate or twenty thousand dollars, whichever is the larger. The adjusted gross estate shall, for the purpose of this subdivision, be computed by subtracting from the entire value of the gross estate the aggregate amount of the deductions allowed by subsections three, four, five, six, ten, eleven, twelve, thirteen and fourteen of this section.
- i. For the purpose of this subsection, an interest in property shall be considered as passing from the decedent to any person if and only if (1) such interest is bequeathed or devised to such person by the decedent, or (2) such interest is inherited by such person from the decedent, or (3), such interest has been transferred to such person by the decedent at any time, or (4) such interest was, at the time of the decedent's death, held by such person and the decedent, or by them and any other person, in joint ownership with right of survivorship, or (5) the decedent had a power, either alone or in conjunction with any person, to appoint such interest and if he appoints or has appointed such interest to such person, or if such person takes such interest in default upon the release or non-exercise of such power, or (6) such interest consists of proceeds of insurance upon the life of the decedent receivable by such person. Except as provided in subdivision (f) or in subdivision (g) of this subsection, where at the time of the decedent's death it is not possible to ascertain the particular person or persons to whom an interest in property may pass from the decedent, such interest shall, for the purposes of clauses (1) and (2) of subdivision (b) of this subsection, be considered as passing from the decedent to a person other than the surviving spouse.

- j. If under this subsection an interest would, in the absence of a disclaimer by the surviving spouse, be considered as passing from the decedent to such spouse, and if a disclaimer of such interest is made by such spouse, then such interest shall, for the purposes of this subsection, be considered as passing to the person or persons entitled to receive such interest as a result of the disclaimer.
  - k. If under this subsection an interest would, in the absence of a disclaimer by any person other than the surviving spouse, be considered as passing from the decedent to such person, and if a disclaimer of such interest is made by such person and as a result of such disclaimer the surviving spouse is entitled to receive such interest, then such interest shall, for the purposes of this subsection, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.
3. The amount of any bequest, legacy, devise, or transfer, except a bona fide sale for an equivalent monetary consideration in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of any:
- a. Public institution;
  - b. Purposes exclusively public;
  - c. Charitable, educational, or religious purposes; or
  - d. Corporation, institution, society, or association whose sole object and purpose is to carry on charitable, educational, or religious work,

but no deduction shall be made if any officer, member, shareholder, or employee of such corporation, institution, society, or association shall receive or may be lawfully entitled to receive, any pecuniary profit from the operation thereof, except reasonable compensation for services in effecting one or more of such purposes, or as the proper beneficiary of a strictly charitable purpose, or if the organization thereof, for any such avowed purpose, is a guise or pretense for directly or indirectly making any such pecuniary profit from such corporation, institution, society, or association, or for any of its members or employees, or if it is not in good faith organized or conducted exclusively for one or more of such purposes;

4. All debts of the decedent;
5. Taxes on real property within this state which were a lien at the date of decedent's death;
6. Taxes on the decedent's personal property which were the personal obligation of the decedent during his lifetime, or a lien upon such personal property at the date of death;
7. State and federal income taxes on the income of the decedent to the date of his death;
8. Death duties paid to foreign countries on intangible personal property;
9. Inheritance taxes paid or payable to other states on intangible personal property;
10. Federal estate taxes paid and not refunded;
11. Special assessments which are due and which are a lien on taxable property located within this state;
12. Funeral expenses, and all amounts actually expended, not exceeding the sum of five hundred dollars, for a monument;
13. Commissions of executors and administrators actually allowed and paid;
14. Costs of administration, including reasonable attorney's fees; and
15. The family allowance to the extent that it exceeds the income of the estate, except that it in any case shall not exceed two thousand dollars for the widow, plus three hundred dollars for each minor child.

Approved March 6, 1951.

## CHAPTER 326

H. B. No. 763  
(Lynch and McLellan)

TAXATION OF PARTNERSHIPS AND PARTNERS INCOME AND  
TREATMENT OF LOSSES

## AN ACT

To amend and reenact section 57-3808, subsection 3 of section 57-3820, and subsection 4 subdivision c of section 57-3822 of the North Dakota Revised Code of 1943, relating to taxation of partnerships and partners income and treatment of losses

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

§ 1. AMENDMENT.) Section 57-3808 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3808. PARTNERSHIPS NOT SUBJECT TO TAX.) Partnerships shall not be subject to tax under this chapter, but the individual members of a partnership shall be taxable on their share of the net profits of such partnership whether the same are distributed or not, and shall be entitled to deduct their share of any net losses suffered by the partnership.

§ 2. AMENDMENT.) Subsection 3 of section 57-3820 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3820. BASIS OF RETURN OF NET INCOME.) The basis upon which a return of net income is made shall be determined as follows:

3. An individual carrying on business in a partnership shall be liable for income tax only in his individual capacity, and shall include in his gross income the distributive share of the net income of the partnership received by him or distributable to him during the income year; and shall be entitled to deduct his share of any net losses suffered by the partnership.

§ 3. AMENDMENT.) Subsection 4 of subdivision c of section 57-3822 of the North Dakota Revised Code of 1943 hereby amended and reenacted to read as follows:

57-3822. DEDUCTIONS ALLOWED.) In computing net losses, there shall be allowed as deductions:

4. Losses computed as follows:

c. Taxpayers entitled to net loss carry-over privileges are:

1. Corporations;
2. Partners;
3. Individuals; and
4. Estates and trusts, if engaged in trade or business;

Approved March 1, 1951.

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CHAPTER 327

H. B. No. 762  
(Lynch and McLellan)

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CAPITAL GAINS AND LOSSES IN INCOME TAX COMPUTATION

AN ACT

To amend and reenact section 57-38151 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to 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.) Section 57-38151 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-38151. CAPITAL GAINS AND LOSSES.) 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. If in such sale or exchange the initial payments do not exceed thirty percent of the selling price, any taxpayer or partnership may return as income from such sale or exchange that proportion of the installment payments actually received in that year which the gross profit realized or to be realized when payment is completed, bears to the total contract price.

Approved March 1, 1951.

## CHAPTER 328

S. B. No. 192  
(Shure and Rue)

## 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.

*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 meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Person" includes any individual, firm, partnership, 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;
2. "Sale" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration;
3. "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 includes the ordering, selecting or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer. By the term "processing" is meant tangible personal property that is used in manufacturing, producing or processing, which becomes an ingredient or component part of other tangible personal property 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 be considered as a sale of tangible personal property for a purpose other than for processing;

4. "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;
5. "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 admission 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;
6. "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, however, 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 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 Act, as has actually been received in cash by the retailer during each quarterly period as defined herein;
7. "Relief agency" means the state, any county, city and county, city or district thereof, of an agency engaged in actual relief work;
8. "Commissioner" means the tax commissioner of the state of North Dakota; and

9. "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, 1951 and ending the 30th day of June, 1953 a tax of two percent 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:

1. 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;
2. The gross receipts from the sales, furnishing or service of transportation service;
3. 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 purchaser and his family;
4. 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;
5. The gross receipts from the sale by any school board of this state of books and school supplies to regularly enrolled students at costs; and

6. 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 WORTHLESS ACCOUNTS.) 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.) 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. Such refunds may be obtained only in the following amount and in the manner and only under the following conditions:

1. 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;
2. 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; and
3. 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 Act, based upon such computation of gross receipts.

If the commissioner is satisfied that the foregoing conditions and requirements have been complied with, he shall refund the amount claimed by the relief agency.

§ 6. TAX TO BE ADDED TO PURCHASE PRICE AND BE A DEBT.) 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 the consumer or user to retailer until paid, and shall be recoverable at law in the same manner as other debts.

In adding such tax to the price or charge, retailers shall adopt the following bracket system for the application of the tax:

\$0.01 to \$ 0.24	no tax
.25 to .74	1 c tax
.75 to 1.24	2 c tax
1.25 to 1.74	3 c tax
1.75 to 2.24	4 c tax
2.25 to 2.74	5 c tax
2.75 to 3.24	6 c tax
3.25 to 3.74	7 c tax
3.75 to 4.24	8 c tax
4.25 to 4.74	9 c tax
4.75 to 5.24	10 c tax
5.25 to 5.74	11 c tax
5.75 to 6.24	12 c tax
6.25 to 6.74	13 c tax
6.75 to 7.24	14 c tax
7.25 to 7.74	15 c tax
7.75 to 8.24	16 c tax
8.25 to 8.74	17 c tax
8.75 to 9.24	18 c tax
9.25 to 9.74	19 c tax
9.75 to 10.24	20 c tax
Each additional 50 c	1 c additional tax

§ 7. UNLAWFUL ACT.) No retailer shall 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.) Every retailer required to make a report and pay any tax under this Act, shall preserve such records of the gross proceeds of sale as the commissioner may require and every retailer shall preserve for a period of two years all invoices and other records of goods, wares, or merchandise purchased for resale. All such books, invoices, and other records shall be open to examination at any time by the commissioner or any of his duly authorized agents.

§ 9. RETURN OF GROSS RECEIPTS.)

1. On or before the twentieth day of the month following the close of the first quarterly period as defined in the following section, and on or before the twentieth day of the month following each subsequent quarterly period of three months, the retailer shall 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. The commissioner upon request by any retailer and a proper showing of the necessity therefor, may grant unto such retailer an extension of time not to exceed thirty 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 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 10 or elsewhere to the contrary notwithstanding; and
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 under the provisions of this Act shall be due and payable in quarterly installments on or before the twentieth day of the month next succeeding each quarterly period, the first of such periods being the period commencing with July 1, 1951;
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, 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, may 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 penalties due or which may become due from such person. In lieu

of such bond, securities approved by the commissioner in such amounts as he may prescribe, may be deposited with him, which securities shall be kept in the custody of the commissioner and 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 penalties 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.

§ 11. LIEN OF TAX; COLLECTION; ACTION AUTHORIZED.)

Whenever any taxpayer liable to pay a tax 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 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; and
6. When satisfied.

The register of deeds shall endorse on each notice of lien the day, hour and minute when received and preserve the same, and forthwith shall index said notice in said index book and forthwith shall 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 forthwith shall 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, upon the request of the tax commissioner, shall bring an action at law or in equity, as the facts may justify, without bond to enforce payment of any taxes and any 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.

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.

#### § 12. PERMITS; APPLICATION AND FEE FOR.)

1. No person shall 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 for each permit, and the applicant shall 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 herein. 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 regulations 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 also shall have the power to restore licenses after such revocation;
6. The commissioner shall charge a fee of one dollar for the issuance of a permit to a retailer whose permit has been previously revoked; and
7. All permits in effect at the time this Act takes effect are hereby continued and shall remain in full force and effect unless revoked as herein provided.

§ 13. FAILURE TO FILE RETURN; INCORRECT RETURN.) If a return required by this Act 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 other factors. The commissioner shall give notice of such determination to the person liable for the tax. Such determination shall fix the tax finally and irrevocably unless the person against whom it is assessed, within thirty days after the giving of notice of such determination, shall 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.

§ 14. 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 be filed with the return thereon 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, conditioned that the plaintiff shall perform the orders of the court; and
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.

§ 15. SERVICE OF NOTICE.)

1. Any notice, except notice of appeals, 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 provisions of this Act, 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 Act by giving of notice shall commence

to run from the date of registration and posting of such notice;

2. The provisions of the laws of this state 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.

§ 16. PENALTIES, OFFENSES.)

1. Any person failing to file a return or corrected return or to pay any tax within the time required by this Act, shall be subject to a penalty of five percent of the amount of tax due, plus one percent 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. 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 days after the effective date of this Act, as provided in section 12 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 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, for each such offense, shall be fined not to exceed five hundred dollars or shall be imprisoned in the county jail not exceeding one year, or shall 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 shall be punished by imprisonment in the county jail not exceeding six months or by a fine of not exceeding five hundred dollars, or by both such fine and imprisonment, in the discretion of the court. This criminal liability shall be cumulative and in addition to the civil liability for penalties hereinbefore provided.

§ 17. TAX COMMISSIONER TO ADMINISTER ACT.) The tax commissioner is hereby charged with the administration of this Act and the taxes imposed thereby. Such commissioner may 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.

§ 18. TAX AND PENALTIES PAID TO COMMISSIONER; RETAIL SALES TAX FUND.) All fees, taxes, interest, and penalties imposed and collected under this Act shall 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.

§ 19. 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 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 warrants for the amount of said costs, to be paid out of the proceeds of the taxes collected under this Act;
4. In cases 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 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.

§ 20. COMMISSIONER MAY APPOINT AGENTS AND EMPLOYEES; COMPENSATION; BOND; DUTY OF COUNTY TREASURER.)

1. The commissioner may appoint such agents, auditors, clerks, and employees as he may deem necessary to fix their salaries and compensation and prescribe their duties and powers, and said commissioner may remove such agents, auditors, clerks and employees so appointed by him. 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. No additional compensation shall be paid to said treasurer by reason thereof.

§ 21. INFORMATION DEEMED CONFIDENTIAL.) 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. 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. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not to exceed one thousand dollars.

§ 22. CORRECTION OF ERRORS.) If it shall appear that, as a result of a 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.

§ 23. PAYMENT OF REFUND.) Wherever by any provisions 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.

§ 24. 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. The net amount of moneys remaining in said "retail sales tax fund" shall be a special trust fund to be used and disbursed solely for the following purposes:

1. Seven-twelfths 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. The remaining five-twelfths 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 purpose authorized by law; provided, that appropriations made from the general fund to be expended by said public welfare board shall constitute and include appropriations from said five-twelfths share of said trust fund;

2. The state treasurer and state auditor shall 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.

§ 25. APPROPRIATION.) All moneys now in the retail sales tax fund created by chapter 341 of the Session Laws of 1949, 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.

§ 26. SAVINGS CLAUSE.) 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.

Approved March 9, 1951.

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## CHAPTER 329

S. B. No. 181  
(Day)

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### MOTOR FUEL TAX AN ACT

To amend and reenact sections 57-4106, 57-4107, 57-4108, 57-4110, 57-4111, 57-4112, and 57-4117 of the North Dakota Revised Code of 1943, and sections 57-4809, 57-4810, 57-4811, and 57-4812 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to motor vehicle fuel taxes.

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

§ 1. AMENDMENT.) Section 57-4106 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4106. TAX IMPOSED ON SALES OF MOTOR VEHICLE FUELS.) There is hereby imposed tax of three cents per gallon on all sales of motor vehicle fuel sold or used in this state. The tax imposed

by this section shall be collected by the dealer from the consumer on all sales other than sales of fuel in the original packages. Where sales are made in the original package the dealer shall have the option of collecting the tax of three cents per gallon imposed on such sales.

§ 2. AMENDMENT.) Section 57-4107 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4107. SALE IN ORIGINAL PACKAGE; INVOICE; DELIVERY OF COPIES.) Whenever a dealer in motor vehicle fuel makes a sale in the original package in which the fuel was imported, he shall deliver to the purchaser thereof an invoice of such fuel, stating the name and address of the purchaser, the quantity and kind of fuel sold, and whether or not the dealer has collected the tax on such fuel. Such dealer shall transmit to the state auditor, at the time that the statement required by section 57-4105 is rendered, duplicate copies of all invoices issued and delivered by him to purchasers during the period covered by the statement.

§ 3. AMENDMENT.) Section 57-4108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4108. TAX CHARGEABLE TO CONSUMER.) Every dealer who is required to collect the motor vehicle fuel tax imposed by this chapter shall charge and collect the tax of three cents per gallon on all motor vehicle fuel sold by him, except as provided in section 57-4106, as a part of the selling price thereof.

§ 4. AMENDMENT. Section 57-4110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4110. CONDITIONS PRECEDENT TO REINSTATEMENT OF LICENSE.) If the license of a dealer has been revoked, he, before another license will be issued to him, must pay to the state auditor the amount of the delinquent tax, with penalties and costs remaining unpaid by such dealer, and must file with the state auditor a surety bond upon which such dealer shall be the obligor. Such bond must be in such amount as the state auditor shall determine but not to exceed three times the amount of the state tax on all gasoline sold by such dealer during the preceding month, and not less than five hundred dollars. The bond shall run to the state of North Dakota and shall be conditioned for the prompt filing of true reports and the payment of the full amount of the tax at the times, in the manner, and at the place required under the provisions of this chapter. If any such dealer shall fail to file the monthly report required promptly and to pay the full amount of the tax due after having filed a surety bond as in this section provided, the state auditor may require such dealer to

furnish such other and further bond as shall be deemed necessary, conditioned to secure at all times the payment of any tax due to the state under the provisions of this chapter. Upon the failure to file such additional bond the state auditor forthwith shall revoke the license of such dealer.

§ 5. AMENDMENT.) Section 57-4111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4111. PAYMENT OF TAX.) The tax collected upon motor vehicle fuel sold or used in any calendar month shall be remitted by the dealer, when the statement provided for in section 57-4105 is rendered, to the state auditor, who shall receipt to the dealer therefor, and forthwith shall pay over all of the money thus received to the state treasurer.

§ 6. AMENDMENT.) Section 57-4112 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4112. ALLOCATION OF TWO-THIRDS OF MOTOR FUEL TAX FOR STATE HIGHWAYS.) The state treasurer shall credit to the state highway department promptly two-thirds of the motor fuel tax collected under the provisions of this chapter. The money so credited is hereby appropriated to be used by such highway department for the construction, reconstruction, maintenance, or repair of highways or roads under the jurisdiction of the state highway department.

§ 7. AMENDMENT.) Section 57-4117 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4117. DUTY OF PURCHASER TO MAKE STATEMENT TO STATE AUDITOR AND PAY TAX.) If any person shall purchase or receive from any fuel dealer in this state motor vehicle fuel in the original package in which the same was imported, and such dealer shall not have collected the tax upon such fuel as provided in this chapter, such purchaser on the 15th day of each month shall render to the state auditor the statement required of the dealer under the provisions of section 57-4105, and at the same time shall remit and pay to the state auditor the tax of three cents a gallon due on such motor vehicle fuel.

§ 8. AMENDMENT.) Section 57-4809 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4809. ONE CENT GAS TAX IMPOSED TO PAY INTEREST AND REDEEM CERTIFICATES.) 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 all sales of motor vehicle fuels, a special motor vehicle

fuel tax of one cent 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 other tax imposed upon or applicable to motor vehicle fuels or dealers therein under the laws of this state, and said additional one cent per gallon tax shall be in addition to and over and above the three cent 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" chapter 57-41.

§ 9. AMENDMENT.) Section 57-4810 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4810. MANNER OF PAYMENT AND COLLECTION OF TAX.) Said additional one cent per gallon tax shall be collected and 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, chapter 57-41, and said additional one cent 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 tax imposed under the terms and provisions of this chapter.

§ 10. AMENDMENT.) Section 57-4811 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4811. DEALER SHALL COLLECT TAX FROM CONSUMER.) Every dealer who is required to collect the additional one cent per gallon special motor vehicle fuel tax herein imposed shall charge and collect the sum of one cent per gallon on such motor vehicle fuels sold by him as a part of the selling price thereof.

§ 11. AMENDMENT.) Section 57-4812 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4812. PENALTY.) Any dealer, person or association, firm or corporation liable to account for and pay said one cent per gallon tax who shall violate any of the provisions of this chapter or who shall make any false statement or report required by this chapter or who shall fail or neglect to collect and pay the one cent per gallon additional special motor vehicle fuel 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 or be imprisoned in the county jail for not more than ninety days, or both such fine and imprisonment.

Approved March 8, 1951.

## CHAPTER 330

S. B. No. 253  
(Committee on Finance and Taxation)

MOTOR FUEL USE TAX  
AN ACT

To amend and reenact section 57-4202 of the North Dakota Revised Code of 1943, providing a motor fuel use tax.

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

§ 1. AMENDMENT.) Section 57-4802 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4202. LEVY OF TAX.) For the privilege of using the public highways in this state, an excise tax is imposed hereby on the use of fuel by any person within this state, at the rate of five cents per gallon, computed and paid in the manner hereinafter provided.

Approved March 7, 1951.

## CHAPTER 331

Senate Bill No. 104  
(Day, Duffy, Klusmann, Knudson, Morgan, Rue and Shure)

MOTOR VEHICLE FUEL; SPECIAL TAX OF ONE CENT  
PER GALLON  
AN ACT

Assessing and levying upon all sales of motor vehicle fuel, a special tax of one cent per gallon, in addition to all other taxes, and appropriating proceeds of such special tax to the state highway department construction fund for the construction and reconstruction of state highways, and providing a penalty, and declaring an emergency.

*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:

1. "Motor vehicles" means all vehicles, engines, or machines, movable or immovable, which are operated in whole or in part by internal combustion of one or more of the motor vehicle fuels defined in this Act;

2. "Motor vehicle fuels" includes all products commonly or commercially known or sold as gasoline, including casinghead and absorption or natural gasoline, regardless of their classification or uses, and any liquid which, when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene, and similar petroleum products. American society for testing materials designation D-86, shows not less than ten percent distilled, recovered, below three hundred forty-seven degrees Fahrenheit, one hundred and seventy-five degrees centigrade, and not less than ninety-five percent distilled, recovered, below four hundred sixty-four degrees Fahrenheit, two hundred forty degrees centigrade;
3. "Dealer" means any person, firm, association, or corporation importing or causing to be imported from any other state or country any motor vehicle fuel for operating or propelling motor vehicles for use, distribution or sale, in and after the same reaches the state of North Dakota, and any person, firm, association, or corporation producing, refining, manufacturing, or compounding any motor vehicle fuel in this state for use, distribution or sale therein;
4. "Original package" means any tank car, barrel, or other package which is in the form and condition in which the same was imported into the state;
5. "Person" shall include every individual, partnership, society, incorporated association, joint stock company, corporation, trustee, executor, administrator, or guardian; and
6. "Auditor" shall mean the state auditor of this state.

§ 2. TAX IMPOSED ON SALES OF MOTOR VEHICLE FUELS.) There is hereby imposed a tax of one cent per gallon on all sales of motor vehicle fuel sold in this state. The tax imposed by this section shall be separate and apart from and in addition to all other taxes and shall be collected by the dealer from the consumer on all sales other than sales of fuel in the original packages. Where sales are made in the original package the dealer shall have the option of collecting the tax of one cent per gallon imposed on such sales.

§ 3. SALE IN ORIGINAL PACKAGE; INVOICE; DELIVERY OF COPIES.) Whenever a dealer in motor vehicle fuel makes a sale in the original package in which the fuel was imported, he shall deliver to the purchaser thereof an invoice of such fuel, stating the name and address of the purchaser, the quantity and kind of

fuel sold and whether or not the dealer has collected the tax on such fuel. Such dealer shall transmit to the state auditor, duplicate copies of all invoices issued and delivered by him to purchasers.

§ 4. TAX CHARGEABLE TO CONSUMER.) Every dealer who is required to collect the motor vehicle fuel tax imposed by this Act shall charge and collect the tax of one cent per gallon on all motor vehicle fuel sold by him, except as provided in section 2 of this Act, as a part of the selling price thereof.

§ 5. PAYMENT OF TAX.) The tax collected upon motor vehicle fuel sold in any calendar month shall be remitted by the dealer to the state auditor, who shall receipt to the dealer therefor, and forthwith shall pay over all of the money thus received to the state treasurer.

§ 6. DUTY OF PURCHASER TO PAY TAX.) If any person shall purchase or receive from any fuel dealer in this state motor vehicle fuel in the original package in which the same was imported, and such dealer shall not have collected the tax upon such fuel as provided in this Act, such purchaser on the fifteenth day of each month shall remit and pay to the state auditor the tax of one cent a gallon due on such motor vehicle fuel.

§ 7. APPROPRIATION OF PROCEEDS OF TAX.) The proceeds of such special tax of one cent per gallon are hereby appropriated to the state highway department for construction of state and secondary highways under the jurisdiction of the state highway department.

§ 8. REFUND OF TAX WHERE FUEL USED FOR AGRICULTURAL OR INDUSTRIAL PURPOSES.) The provisions of chapter 57-50 of the 1949 Supplement to the North Dakota Revised Code of 1943, providing for the refunding of license taxes paid upon motor vehicle fuels used for agricultural or industrial purposes shall apply to the special tax imposed in section 6 of this Act.

§ 9. PENALTY.) Any dealer, person or association of persons, firm or corporation violating any provisions of this Act, or any person, firm, or corporation making any false statement in any report required by this Act, or failing or neglecting to collect or charge the one cent per gallon additional special motor vehicle fuel tax imposed herein, is guilty of a misdemeanor and 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.

§ 10. 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, 1951.

## CHAPTER 332

S. B. No. 90  
(Rue)TAX EXEMPTIONS OF PERSONS SERVING IN U. S.  
ARMED FORCES

## AN ACT

To amend and reenact section 57-4601 of the North Dakota Revised Code of 1943, relating to income tax exemptions of persons serving in the armed forces of the United States.

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

§ 1. AMENDMENT.) Section 57-4601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4601. MILITARY INCOME EXEMPT FROM THE INCOME TAX.) Any person actively serving in the armed forces of the United States, shall be exempt from the payment of the income tax on all income received from such services:

1. For a period ending on the fifteenth day of the sixth month after his discharge from active service; or
2. In the case of the death of a person while in such active service, for a period ending on the fifteenth day of the sixth month after an executor or administrator has been appointed for his estate.

Approved February 28, 1951.

**TOWNSHIPS**

## CHAPTER 333

S. B. No. 134  
(Knudson)

## WHEN TERM OF TOWNSHIP OFFICERS BEGINS; REPEAL

## AN ACT

To repeal section 58-0503 of the North Dakota Revised Code of 1943, relating to township officers.

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

§ 1. REPEAL.) Section 58-0503 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 3, 1951.

## WAREHOUSES AND DEPOSITS

### CHAPTER 334

H. B. No. 613  
(Skaar, Leier, Solberg, Laske)

#### WAREHOUSE AND STORAGE GRAIN CONTRACTS; RATES AN ACT

To amend and reenact section 60-0217 of the North Dakota Revised Code of 1943, relating to warehouse and storage grain contracts.

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

§ 1. AMENDMENT.) Section 60-0217 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

60-0217. WAREHOUSE AND STORAGE CONTRACT; STORAGE RATES; TERMINAL DELIVERY.) A warehouse receipt shall contain, either on its face or reverse side, the following warehouse and storage contract:

"This grain is received, insured, and stored subject to the following charges: one thirtieth of one cent net bushel per day, provided, however, that no storage shall be charged for grain so stored for fifteen days from date of delivery. Upon surrender of this receipt and payment or tender of a delivery charge per gross bushel of four cents on flax, three and one-half cents on wheat or rye, and two cents on other grains and all other stated lawful charges accrued up to the time of said surrender of this receipt, the above amount, kind, and grade of grain will be delivered to the person named above or his order as rapidly as due diligence, care, and prudence will permit. At the option of the holder of this receipt, the amount, kind, and grade of grain for which this receipt is issued, on his demand, shall be delivered back to him at any terminal point customarily shipped to, or at the place where received, upon the payment of the above charges for receiving, handling, storage, and insurance and in case of terminal delivery, the payment in addition to the above of the regular freight charges on the gross amount called for by this ticket or in lieu thereof, a receipt issued by a bonded warehouse or elevator company doing business at such terminal point. Nothing in this receipt shall be construed to require the delivery of the identical grain specified herein, but an equal amount of grain of the same kind and grade shall be delivered to him."

Approved February 24, 1951.

## CHAPTER 335

H. B. No. 636  
(Snow, Roen, and Homelvig)

## REPORTS BY PUBLIC WAREHOUSEMAN

## AN ACT

To amend and reenact subsection 1 of section 60-0224 of the North Dakota Revised Code of 1943, relating to reports to be made by public warehouseman.

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

§ 1. AMENDMENT.) Subsection 1 of section 60-0224 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. Prepare and submit to the commission on the last day of each month a report giving facts and information called for on the form of report prepared by said commission, which report shall contain or be verified by a written declaration that it is made under the penalties of perjury. Such report may be called for more frequently if the commission deems it necessary.

Approved February 24, 1951.

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**WATERS**


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## CHAPTER 336

S. B. No. 216  
(Feton, Solberg, Shure and Duffy)

APPEAL TO DISTRICT AND SUPREME COURT FROM ORDERS  
AND DECISIONS OF STATE ENGINEER INVOLVING  
IRRIGATION DISTRICTS

## AN ACT

To amend and reenact section 61-0520 of the North Dakota Revised Code of 1943, relating to appeals to the district court from orders and decisions of state engineer involving irrigation districts.

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

§ 1. Section 61-0520 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0520. An appeal may be taken to the district court from any order or decision of the state engineer by any person claiming to be aggrieved thereby, at any time within thirty (30) days after the order or decision appealed from has been filed with the county auditor of the county in which the appeal is taken. Such appeal

shall be taken by serving notice of appeal on the state engineer and by filing the notice of appeal, proof of service thereof, and the undertaking required in this section with the clerk of the district court of the county in which the appeal is taken. To effect an appeal an undertaking must be executed by the appellant and sufficient surety conditioned that the appellant will prosecute such appeal without delay and will pay all costs adjudged against him in the district court. Such undertaking shall be made in favor of the state engineer as obligee and may be enforced by him. The appeal shall be taken to the district court of the county in which the land claimed to be affected adversely by the order or decision appealed from is situated, and if such land is situated in more than one county such appeal may be taken to the district court of any county in which any part of such land is situated. Any appeal thus taken shall be docketed in the district court as any civil cause commenced in the district court is docketed and thereupon the district court shall have and exercise original jurisdiction in such cause, and shall hear and determine the same, without a jury, in like manner as a civil cause originally commenced in that court. The court may require the services and filing of formal pleadings and fix the time therefor. Appeals to the supreme court may be taken by the state engineer or any other party to the cause from any judgment entered in the district court in any such cause, and from any order of said court if an appeal would lie from such an order if the same were entered by the court in any other civil action.

Approved March 5, 1951.

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## CHAPTER 337

S. B. No. 217

(Nelson, Fetton, Solberg, Shure and Duffy)

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### APPEALS TO DISTRICT AND SUPREME COURT FROM ORDERS, ACTS AND DECISIONS OF THE BOARD OF AN IRRIGATION DISTRICT

#### AN ACT

To amend and reenact section 61-0733 of the North Dakota Revised Code of 1943, relating to appeals to the district court from orders, acts or decisions of the board of an irrigation district.

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

§ 1 AMENDMENT.) Section 61-0733 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0733. An appeal may be taken to the district court from any order or decision of the board of an irrigation district, by

any person claiming to be aggrieved thereby, at any time within thirty (30) days after the order or decision appealed from has been made by the board, and filed with the secretary, and served by registered mail upon the interested land owners. Such appeal shall be taken by serving notice of the appeal on the chairman or the secretary of the board and by filing the notice, proof of service thereof, and the undertaking required in this section, with the clerk of the district court of the county in which the appeal is taken. To effect an appeal, an undertaking must be executed by the appellant and sufficient surety conditioned that the appellant will prosecute such appeal without delay and will pay all costs adjudged against him in the district court. Such undertaking shall be made in favor of the irrigation district as the obligee and may be enforced by the district. The appeal shall be taken to the district court of the county in which the land claimed to be affected adversely by the order or decision appealed from is situated, and if such land is situated in more than one county, the appeal may be taken to the district court of any county in which any part of such land is situated. Any appeal thus taken shall be docketed in the district court as any civil cause commenced in the district court is docketed and thereupon the district court shall have and exercise original jurisdiction in such cause, and shall hear and determine the same, without a jury, in like manner as a civil cause originally commenced in that court. The court may require the service and filing of formal pleadings and fix the time therefor. Appeals to the supreme court may be taken by the irrigation district or any other party to the cause from any judgment entered in the district court in any such cause and from any order of said court if an appeal would lie from such an order if the same were entered by the court in any other civil action.

Approved March 5, 1951.

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## CHAPTER 338

Senate Bill No. 222

(Day - By Request)

### USE OF ROAD AND HIGHWAY DITCHES FOR DRAINAGE PURPOSES; COURT REVIEW AND OTHER PROCEEDINGS

#### AN ACT

Relating to drains and drainage projects, permitting the use of road and highway ditches for drainage purposes and providing for court review and other proceedings, and declaring an emergency.

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

§ 1.) Lands benefited by a drainage project shall bear

costs of repairs, alteration or maintenance in proportion to the benefits derived. All lands benefited shall be included in a given drainage district or project and lands receiving no benefit shall be excluded therefrom. Any landowner deeming himself wrongfully included or assessed in any drainage project, or who considers that benefited lands have been excluded from the project, shall be entitled to have his contentions reviewed by the District Court upon appeal.

§ 2.) Whenever economy in construction costs and increased public benefits would result if the ditches in road and highway construction were made to serve as drainage ditches, or the earth moved to make drains were shaped to make a road, the respective authorities shall have the power and authority to make mutually satisfactory plans and agreements to share construction and maintenance costs.

§ 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, 1951.

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## CHAPTER 339

S. B. No. 207

(Committee on State and Federal Government)

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### YELLOWSTONE RIVER COMPACT

#### 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. The Legislative Assembly of the State of North Dakota hereby approves and ratifies the compact designated as the "Yellowstone River Pact," dated at the city of Billings, state of Montana, on the 8th day of December, 1950. Signed by I. A. Acker, Einar H. Dahl and J. J. Walsh as the state representatives of the state of North Dakota on a compact commission between the states of Montana, North Dakota and Wyoming, which compact is 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, acknowledging that in future projects or programs for the regulation, control and use of water in the Yellowstone River Basin the great importance of water for irrigation in the signatory states shall be recognized, have resolved to conclude a compact as authorized under the Act of Congress of the United States of America, approved June 2, 1949 (Public Law 83, 81st Congress, First 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	P. F. Leonard
A. W. Bradshaw	Walter M. McLaughlin
H. W. Bunston	Dave M. Manning
John Herzog	Joseph Muggli
John M. Jarussi	Chester E. Onstad
Ashton Jones	Ed F. Parriott
Chris Josephson	R. R. Renne
A. Wallace Kingsbury	Keith W. Trout

For the State of North Dakota:

I. A. Acker	
Einar H. Dahl	J. J. Walsh

For the State of Wyoming:

L. C. Bishop	N. V. Kurtz
Earl T. Bower	Harry L. Littlefield
J. Harold Cash	R. E. McNally
Ben F. Cochrane	Will G. Metz
Ernest J. Goppert	Mark M. Partridge
Richard L. Greene	Alonzo R. Shreve
E. C. Gwillim	Charles M. Smith
E. J. Johnson	Leonard F. Thornton
Lee E. Keith	M. B. Walker

who, after negotiations participated in by R. J. Newell, 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, but excludes those lands lying within Yellowstone National Park.

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 Bighorn River (except Little Bighorn 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 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.

H. The term "Beneficial Use" is herein defined to be that use by which the water supply of a drainage basin is depleted when usefully employed by the activities of man.

I. The term "Domestic Use" shall mean the use of water by an individual, or by a family unit or household for drinking, cooking, laundering, sanitation and other personal comforts and necessities; and for the irrigation of a family garden or orchard not exceeding one-half acre in area.

J. The term "Stock Water Use" shall mean the use of water for livestock and poultry.

### ARTICLE III

A. It is considered that no Commission or administrative body is necessary to administer this Compact or divide the water: of the Yellowstone River Basin as between the States of Montana and North Dakota. The provisions of this Compact, as between the States of Wyoming and Montana, shall be administered by a Commission composed of one representative from the State of Wyoming and one representative from the State of Montana, to be selected by the Governors of said States as such States may choose, and one representative selected by the Director of the United States Geological Survey or whatever Federal agency may succeed to the functions and duties of that agency, to be appointed by him at the request of the States to sit with the Commission and who shall, when present, act as Chairman of the Commission without vote, except as herein provided.

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 one-half by the State of Wyoming and one-half by the State of Montana.

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 recommendations to such States upon matters connected with the administration of this Compact, and the Commission may employ such services and make such expenditures as reasonable and necessary within the limit of funds provided for that purpose by the respective States, and shall compile a report for each year ending September 30 and transmit it to the Governors of the signatory States on or before December 31 of each year.

D. The Secretary of the Army; the Secretary of the Interior; the Secretary of Agriculture; the Chairman, Federal Power Commission; the Secretary of Commerce, 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 or 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 upon with the Commission.

E. The Commission shall have power to formulate rules and regulations and to perform any act which they may find necessary to carry out the provisions of this Compact, and to amend such rules and regulations. All such rules and regulations shall be filed in the office of the State Engineer of each of the signatory States for public inspection.

F. In case of the failure of the representatives of Wyoming and Montana to unanimously agree on any matter necessary to the proper administration of this Compact, then the member selected by the Director of the United States Geological Survey shall have the right to vote upon the matters in disagreement and such points of disagreement shall then be decided by a majority vote of the representatives of the States of Wyoming and Montana and said member selected by the Director of the United States Geological Survey, each being entitled to one vote.

G. 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. Appropriative rights to the beneficial use of the water of the Yellowstone River System existing in each signatory State as of January 1, 1950, shall continue to be enjoyed in accordance with the laws governing the acquisition and use of water under the doctrine of appropriation.

B. Of the unused and unappropriated waters of the interstate tributaries of the Yellowstone River as of January 1, 1950, there is allocated to each signatory state such quantity of that water as shall be necessary to provide supplemental water supplies for the rights described in paragraph A of this Article V, such supplemental rights to be acquired and enjoyed in accordance with the laws governing the acquisition and use of water under the doctrine of appropriation, and the remainder of the unused and unappropriated water is allocated to each State for storage

or direct diversions for beneficial use on new lands or for other purposes as follows:

1. CLARKS FORK, YELLOWSTONE RIVER
  - a. To Wyoming 60%
  - To Montana 40%
  - b. The point of measurement shall be below the last diversion from Clarks Fork above Rock Creek.
2. BIGHORN RIVER (EXCLUSIVE OF LITTLE BIGHORN RIVER)
  - a. To Wyoming 80%
  - To Montana 20%
  - b. The point of measurement shall be below the last diversion from the Bighorn River above its junction with the Yellowstone River, and the inflow of the Little Bighorn River shall be excluded from the quantity of water subject to allocation.
3. TONGUE RIVER
  - a. To Wyoming 40%
  - To Montana 60%
  - b. The point of measurement shall be below the last diversion from the Tongue River above its junction with the Yellowstone River.
4. POWDER RIVER (INCLUDING THE LITTLE POWDER RIVER)
  - a. To Wyoming 42%
  - To Montana 58%
  - b. The point of measurement shall be below the last diversion from the Powder River above its junction with the Yellowstone River.

(C) The quantity of water subject to the percentage allocations, in paragraphs B 1, 2, 3 and 4 of this Article V, shall be determined on an annual water year basis measured from October 1st of any year through September 30th of the succeeding year. The quantity to which the percentage factors shall be applied through a given date in any water year shall be, in acre-feet, equal to the algebraic sum of:

1. The total diversions, in acre-feet, above the point of measurement, for irrigation, municipal, and industrial uses in Wyoming and Montana developed after January 1, 1950, during the period from October 1st to that given date;

2. The net change in storage, in acre-feet, in all reservoirs in Wyoming and Montana above the point of measurement completed subsequent to January 1, 1950, during the period from October 1st to that given date;

3. The net change in storage, in acre-feet, in existing reservoirs in Wyoming and Montana above the point of measurement, which is used for irrigation, municipal, and industrial purposes developed after January 1, 1950, during the period October 1st to that given date;

4. The quantity of water, in acre-feet, that passed the point of measurement in the stream during the period from October 1st to that given date.

D. All existing rights to the beneficial use of waters of the Yellowstone River in the States of Montana and North Dakota, below Intake, Montana, valid under the laws of these States as of January 1, 1950, are hereby recognized and shall be and remain unimpaired by this Compact. During the period May 1 to September 30, inclusive, of each year, lands within Montana and North Dakota shall be entitled to the beneficial use of the flow of waters of the Yellowstone River below Intake, Montana, on a proportionate basis of acreage irrigated. Waters of tributary streams, having their origin in either Montana or North Dakota, situated entirely in said respective States and flowing into the Yellowstone River below Intake, Montana, are allotted to the respective States in which situated.

E. There are hereby excluded from the provisions of this Compact:

1. Existing and future domestic and stock water uses of water: PROVIDED, That the capacity of any reservoir for stock water so excluded shall not exceed 20 acre-feet;
2. Devices and facilities for the control and regulation of surface waters.

F. From time to time the Commission shall re-examine the allocations herein made and upon unanimous agreement may recommend modifications therein as are fair, just and equitable, giving consideration among other factors to:

Priorities of water rights;  
Acreage irrigated;  
Acreage irrigable under existing works; and  
Potentially irrigable lands.

#### ARTICLE VI

Nothing contained in this Compact shall be so construed or interpreted as to affect adversely any rights to the use of the waters of Yellowstone River and its tributaries owned by or for Indians, Indian tribes, and their reservations.

**ARTICLE VII**

A. A lower signatory State shall have the right, by compliance with the laws of an upper signatory State, except as to legislative consent, 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 circumstances 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 or notice shall be filed in the office of the State Engineer of the signatory State in which the water is to be used.

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.

D. The use of water allocated under Article V of this Compact for the projects constructed after the date of this Compact by the United States of America or any of its agencies or instrumentalities, shall be charged as a use by the State in which the use is made: PROVIDED, That such use incident to the diversion, impounding, or conveyance of water in one State for use in another shall be charged to such latter State.

**ARTICLE VIII**

A lower signatory State shall have the right to acquire in an upper State by purchase, or through exercise of the power of eminent domain, such lands, 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

No water shall be diverted from the Yellowstone River Basin without the unanimous consent of all the signatory States. In the event water from another river basin shall be imported into the Yellowstone River Basin or transferred from one tributary basin to another by the United States of America, 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 water 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 XV.

#### ARTICLE XII

This Compact may be terminated at any time by unanimous consent of the signatory States, and upon such termination all rights then established hereunder shall continue unimpaired.

#### ARTICLE XIII

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 or the United States Supreme Court, for the protection of any right under this Compact or the enforcement of any of its provisions.

#### ARTICLE XIV

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 of America by its consent and approval, concedes thereby the establishment of any general principle or precedent with respect to other intersate streams.

#### ARTICLE XV

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 XVI

Nothing in this Compact shall be deemed:

(a) To impair or affect the sovereignty or jurisdiction of the United States of America in or over the area of waters affected by such compact, any rights or powers of the United States of America, 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 of America, its agencies, or instrumentalities to taxation by any State or subdivision thereof, nor to create an obligation on the part of the United States of America, 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 of America, 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 XVII

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 of America, all other severable provisions of this Compact shall continue in full force and effect.

#### ARTICLE XVIII

No sentence, phrase, or clause in this Compact or in any provision thereof, shall be construed or interpreted to divest any signatory State or any of the agencies or officers of such States of the jurisdiction of the water of each State as apportioned in this Compact.

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 8th day of December, in the year of Our Lord, One Thousand Nine Hundred and Fifty.

Commissioners for the State of Montana:

Fred E. Buck	P. F. Leonard
A. W. Bradshaw	Walter M. McLaughlin
H. W. Bunston	Dave M. Manning
John Herzog	Joseph Muggli
John M. Jarussi	Chester E. Onstad
Ashton Jones	Ed F. Parriott
Chris. Josephson	R. R. Renne
A. Wallace Kingsbury	Keith W. Trout

Commissioners for the State of North Dakota:

I. A. Acker  
Einar H. Dahl  
J. J. Walsh

Commissioners for the State of Wyoming:

L. C. Bishop	N. V. Kurtz
Earl T. Bower	Harry L. Littlefield
J. Harold Cash	R. E. McNally
Ben F. Cochran	Will G. Metz
Ernest J. Goppert	Mark M. Partridge
Richard L. Greene	Alonzo R. Shreve
E. C. Gwillim	Charles M. Smith
E. J. Johnson	Leonard F. Thornton
Lee E. Keith	M. B. Walker

“I have participated in the negotiation of this Compact and intend to report favorably thereon to the Congress of the United States.

R. J. NEWELL  
Representative of the United  
States of America”

§ 2. Said compact shall not be binding or obligatory upon any of the high contracting parties thereto unless and until the same shall have been approved by the legislature of each of the said states and by the congress of the United States. The governor of North Dakota shall give notice of the ratification and approval of said compact by the Thirty-second Legislative Assembly of the state of North Dakota to the governors of each of the remaining signatory states and to the President of the United States.

Approved March 7, 1951.

## WEIGHTS, MEASURES. AND GRADES

### CHAPTER 340

H. B. No. 693  
(Baker, Sailer and Wolf)

#### FEE SCHEDULE FOR INSPECTION OF WEIGHING AND MEASURING DEVICES

##### AN ACT

To amend and reenact section 64-0210 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the inspection of weighing and measuring devices, and providing for an increased fee schedule for such inspectors.

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

§ AMENDMENT.) Section 64-0210 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

64-0210. FEE SCHEDULE FOR INSPECTION OF WEIGHING AND MEASURING DEVICES.) The chief inspector or other employee of the department of weights and measures shall charge and collect fees in accordance with the following schedule:

For inspecting railroad and track scales of capacity of twenty tons and upwards .....	\$12.00
For inspecting vehicle scales and livestock scales of eight thousand pounds capacity and over .....	8.00
For inspecting dormant scales, less than eight thousand pounds capacity, or hopper scales, each .....	3.00
For inspecting movable platform scales .....	.75
For inspecting all counter or computing scales, each .....	.75
For inspecting every patent balance, beam steel yard, or other instrument used for weighing other than the above enumerated, each .....	.75
For inspecting any two bushel or one bushel measure .....	.40
For inspecting any other dry measure, each .....	.15
For inspecting any liquid measure or computing pump .....	.75
For inspecting liquid measures of five gallons or less capacity, each .....	.40
For inspecting any board of cloth measure, each .....	.25
For calibrating truck tanks of one thousand gallons capacity and under .....	8.00
For calibrating truck tanks over one thousand gallons capacity .....	30.00
Where a rejected weighing and measuring device has been	

reconditioned or replaced by new equipment, the same must be reinspected and a certificate issued before being put into use and the fee charged for such reinspection and certification shall be the same as for the first inspection and certification. When the inspector or other employee of the department of weights and measures shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted or out of repair, it shall be his duty to correct such scale or measure and he shall collect for such service one dollar and twenty-five cents per hour for the actual time consumed in making such corrections, and shall receive reasonable compensation for any material used in such corrections.

Approved February 24, 1951.

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## **WORKMEN'S COMPENSATION**

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### CHAPTER 341

H. B. No. 564  
(Legislative Research Committee)  
at the request of  
(The Workmens Compensation Bureau)

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#### COVERAGE OF EMPLOYEES OF SUB-CONTRACTORS OR INDEPENDENT CONTRACTORS, WORKMEN'S COMPENSATION AN ACT

To amend and reenact subdivision c of subsection 5 of section 65-0102 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to coverage of employees of sub-contractors or independent contractors under workmens compensation.

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

§ 1. AMENDMENT.) Subdivision c of subsection 5 of section 65-0102 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- c. Persons employed by a sub-contractor, or by an independent contractor operating under an agreement with the general contractor, for the purpose of this chapter shall be deemed to be employees of the general contractor until such time as the sub-contractor or independent contractor has complied with the provisions of this title;

Approved February 20, 1951.

## CHAPTER 342

H. B. No. 565  
(Legislative Research Committee)  
at the request of  
(Workmens Compensation Bureau)

CONTRIBUTING EMPLOYER RELIEVED FROM LIABILITY FOR  
INJURY TO EMPLOYEE; BUREAU JURISDICTION;  
APPEAL FROM ALLOWANCES

## AN ACT

To amend and reenact sections 65-0103 and 65-1003 of the North Dakota Revised Code of 1943 and sections 65-0503 and 65-1001 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to workmen's compensation, providing that employees of contributing employers shall have no right of action against such employers but shall look solely to the fund, and providing that decisions of the bureau shall be entitled to faith and credit given decisions of courts of record, providing for appeal from allowances of the bureau.

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

§ 1. AMENDMENT.) Section 65-0108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0108. CONTRIBUTING EMPLOYER RELIEVED FROM LIABILITY FOR INJURY TO EMPLOYEE.) Where a local or out of state employer has secured the payment of compensation to his employees by contributing premiums to the fund, the employee, and the parents of a minor employee, or the representatives or beneficiaries of either, shall have no right of action against such contributing employer or against any agent, servant, or other employee of such employer for damages for personal injuries, but shall look solely to the fund for compensation.

§ 2. AMENDMENT.) Section 65-0503 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0503. JURISDICTION OF BUREAU TO HEAR QUESTIONS WITHIN ITS JURISDICTION; FINALITY OF DETERMINATION.) The bureau shall have full power and authority to hear and determine all questions within its jurisdiction, and its decisions, except as provided in chapter 10, of this title, shall be final and shall be entitled to the same faith and credit as a judgment of a court of record. Before an award for permanent disability can be made to a claimant, the bureau shall give notification in writing, by registered mail, addressed to the employer of said claimant at his last known address, of their intention to make such award, outlining reasons and amount of such evaluation and giving

the employer ten days in which to file a written protest to such award. If such protest is registered by the employer, the bureau shall set a date of hearing to show cause, if any there be, why such award should not be made, and shall notify the employer of the date set, and the bureau shall order an examination of the claimant on or before the date set for the hearing by a duly qualified physician licensed to practice and practicing his profession in the state of North Dakota, designated by the employer.

§ 3. AMENDMENT.) Section 65-1001 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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, or if the bureau allows the claimant to participate in the fund to a lesser degree than that claimed by the claimant, if such allowance is less than the maximum allowance provided by this title, the claimant may appeal to the district court of the county wherein the injury was inflicted. An appeal involving injuries received under insurance provided under contracts with extraterritorial 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.

§ 4. AMENDMENT.) Section 65-1003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-1003. COSTS OF APPEAL INCLUDING ATTORNEY'S FEES FIXED BY COURT.) The cost of the appeal, including a reasonable attorney's fee to the claimant's attorney, shall be fixed by the trial judge and taxed against the bureau provided, however, that in the event the appeal is taken from an award of the bureau, the trial judge shall not allow attorneys' fees in excess of twenty percent of the amount allowed on appeal over and above the award given by the bureau in its final action prior to appeal. Such attorney's fee shall cover and constitute the entire remuneration for the claimant's attorney for all services in connection with the appeal.

Approved March 9, 1951.

## CHAPTER 343

S. B. No. 55  
(Legislative Research Committee)  
at the request of  
(Workmens Compensation Bureau)

ACTIONS AGAINST THIRD PERSONS FOR INJURIES COVERED  
BY WORKMENS COMPENSATION

## AN ACT

To amend and reenact section 65-0109 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to actions against third persons for injuries covered by workmens compensation.

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

§ 1. AMENDMENT.) Section 65-0109 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0109. INJURY THROUGH NEGLIGENCE OF THIRD PERSON; OPTION OF EMPLOYEE; FUND SUBROGATED WHEN CLAIM FILED.) When an injury or death for which compensation is payable under the provisions of this title shall have been sustained under circumstances creating in some person other than the fund a legal liability to pay damages in respect thereto, the injured employee, or his dependents may claim compensation under this title and proceed at law to recover damages against such other person. The fund shall be subrogated pro tanto to the rights of the injured employee or his dependents to the extent of the amount of compensation paid and the action against such other person may be brought by the injured employee, or his dependents in the event of his death, in his or in his dependents' own right and name and as trustee for the workmen's compensation bureau for what it has paid on such claim, or such action may be brought by the bureau upon ninety days notice to the employee or to the dependents of a deceased employee. Expenses and costs of such litigation shall be prorated between claimant and bureau, should any damages be awarded, over and above claimants award by bureau plus cost of such litigation. If no damages are awarded, the cost of litigation shall be paid by the party instituting the action. The injured employee, or the dependents of a deceased employee, may by instrument in writing waive the notice required by this section, in which case the bureau shall be authorized to proceed at once in the institution of a suit against such third person.

Approved February 28, 1951.

## CHAPTER 344

S. B. No. 74  
(Legislative Research Committee)  
at the request of the  
(Workmens Compensation Bureau)

ALLOWANCES; PREMIUMS; PENALTIES, ETC.; WORKMENS  
COMPENSATION

## AN ACT

To amend and reenact sections 65-0214, 65-0412, 65-0903, and 65-0904 of the North Dakota Revised Code of 1943 and sections 65-0404, 65-0405, 65-0509, 65-0511, 65-0513, and 65-1001 of the 1949 Supplement to the North Dakota Revised Code of 1943 and to repeal section 65-04051 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to workmen's compensation.

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

§ 1 AMENDMENT.) Section 65-0214 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0214. BUREAU TO AID IN REHABILITATING PERSONS INJURED IN EMPLOYMENT.) The bureau shall cooperate with such federal department or agency as shall be charged with vocational education and vocational rehabilitation to the ends that persons injured in the course of employment may be restored to industry and that industrial cripples may obtain training, education, and employment. An allowance for dependents of not to exceed fifteen dollars per week for a maximum of seventy-two weeks may be paid from the fund during the rehabilitation period.

§ 2. AMENDMENT.) Section 65-0404 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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 premiums 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. 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 shall provide that premiums be paid by common school districts fall due at the end of the fiscal year of such common school districts and may make provisions so that premiums of other 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.

§ 3. AMENDMENT.) Section 65-0405 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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, and shall comply with all provisions of this title.

§ 4. AMENDMENT.) Section 65-0412 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0412. PENALTIES FOR FAILURE TO OBTAIN COVERAGE OR TO MAKE PAY ROLL REPORTS; HOW COLLECTED; DISPOSITION.) Any employer knowing himself to be subject to the operation of the provisions of this title who shall fail to report himself to the bureau as such shall be liable to a penalty to be fixed by the bureau in an amount not exceeding one and one-half times the premium which would have been paid on pay roll expenditures during the periods not reported. Any employer who shall fail or refuse to furnish to the bureau the annual pay roll report and estimate, or who shall fail or refuse to furnish such other information as may be required by the bureau under authority of this chapter shall be subject to a penalty to be fixed by order of the bureau in an amount not exceeding five hundred dollars. Such penalties shall be collected in a civil action brought against the defaulting employer in the name of the state. Any such penalty, when collected shall be paid into the fund and shall become a part thereof.

§ 5. AMENDMENT.) Section 65-0509 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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, subject to the maximum and minimum limitations contained in section 65-0511. In case of temporary or permanent total disability, there shall be paid to such disabled employee an additional sum of five dollars per week for a dependent spouse plus two dollars per week for each dependent child under the age of eighteen years, and for each child over eighteen years, and incapable of self-support due to physical or mental disability and whose maintenance is the responsibility of the claimant. Dependency awards for the spouse and children may be made direct to the spouse at the discretion of the bureau. In no event shall the total weekly payment to the totally disabled employee exceed the sum of forty-two dollars per week, and in no case shall the compensation award exceed the actual wage of the disabled employee except in those cases on which the minimum compensation award is applied. In all cases where permanent disability awards have been made or where injuries are sustained subsequent to July 1, 1951, the benefits and dependency allowances obtainable under this title shall become effective as of July 1, 1951. Benefits payable for temporary disability resulting from injuries sustained prior to July 1, 1951, shall remain the same as those payable prior to July 1, 1951.

§ 6. AMENDMENT.) Section 65-0511 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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-five dollars, except where an allowance for dependents is made in compliance with section 65-0509, nor less than nine dollars. The weekly compensation for partial disability shall not be more than twenty-five 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.

§ 7. AMENDMENT.) Section 65-0513 of the 1949 Supplement

to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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 twenty-two dollars per week for the following periods:

1. For loss of arm at shoulder.....	250 weeks;
2. For loss of arm at or above elbow.....	220 weeks;
3. For loss of hand at or above wrist.....	200 weeks;
4. For loss of thumb.....	65 weeks;
5. For loss of second or distal phalange of thumb.....	28 weeks;
6. For loss of first finger.....	40 weeks;
7. For loss of middle or second phalange of first finger.....	28 weeks;
8. For loss of third or distal phalange of first finger.....	22 weeks;
9. For loss of second finger.....	30 weeks;
10. For loss of middle or second phalange of second finger.....	22 weeks;
11. For loss of third or distal phalange of second finger.....	14 weeks;
12. For loss of third finger.....	20 weeks;
13. For loss of middle or second phalange of third finger.....	16 weeks;
14. For loss of third or distal phalange of third finger.....	10 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.....	150 weeks;
21. For loss of great toe.....	30 weeks;
22. For loss of second or distal phalange of great toe.....	18 weeks;
23. For loss of any other toe.....	12 weeks;
24. For loss of middle or second phalange of any other toe.....	10 weeks;
25. For loss of third or distal phalange of any other toe.....	7 weeks;
26. For loss of an eye.....	150 weeks;
27. For loss of hearing in one ear.....	50 weeks;
28. For loss of hearing in both ears.....	170 weeks;

The amount paid for the loss of more than one finger of one hand shall not exceed the amount provided in this schedule for the loss of a hand. For the loss of the metacarpal bone, of the palm together with the corresponding thumb or finger ten weeks shall be added to the number of weeks of payment. The permanent loss of use of a thumb, finger, toe, arm, hand, foot, leg, or eye shall be considered as equivalent of the loss of such thumb, finger, toe, arm, hand, foot, leg, or eye, and compensation for partial loss of use of said parts shall be allowed on a percentage basis. Twenty-five percent additional shall be allowed as compensation for the loss of use of the master hand or any member or members thereof. The loss of use on a percentage basis of the master hand or any member or members thereof, or the amputation of the master hand or any member or members thereof. The loss of any part of a phalange shall be considered equal to the loss of the entire phalange. If any employee dies, the right of any compensation payable under section 65-0512 or this section, unpaid at the date of his death shall survive and pass to his dependent spouse, minor children, or parents.

§ 8. AMENDMENT.) Section 65-0903 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0903. AWARD; NOTICE.) If the testimony adduced at the hearing on a claim is sufficient to substantiate the prayer of the claimant, the bureau shall make findings and conclusions of law and shall make an order of award and copies of said findings, conclusions, and order shall be served upon the claimant, the employer, and all interested parties by registered mail, except that the service upon the employer shall be made in the manner now provided for the service of a summons in a civil action. The employer, in like manner and at the same time, shall be served with a notice that if he, within thirty days, shall fail to pay such award or perfect an appeal therefrom to the district court in the manner provided by law for such appeal, the bureau will present a petition to the district court having jurisdiction on the matter, containing the original findings of fact, conclusions of law, and order for award in said matter and presenting to such court proof of the award and of the failure of the employer to pay such award to take an appeal therefrom, and the said court will be asked to enter a judgment in favor of the state of North Dakota for the benefit of the bureau and against the employer together with reasonable costs and attorneys fees allowed by the bureau.

§ 9. AMENDMENT.) Section 65-0904 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0904. FAILURE OF EMPLOYER TO PAY AWARD; JUDGMENT.) Upon the court making its order for judgment there will be filed

with the clerk of the district court of the county in which the employer resides, if he is an individual, or in the county where it has its principal place of business, if the employer is a corporation, a certified record of the proceedings had before the bureau and thereupon the judgment will be entered upon the docket of the district court of said county as a judgment in favor of the state of North Dakota for the benefit of the bureau and against the employer and shall have the full force and effect of a judgment of such court. No exemptions except absolute exemptions shall be allowed against any levy under executions pursuant to any judgment recovered in such action. All original claims for compensation for disability or death contemplated by this section shall be made within sixty days after such injury or death. For any reasonable cause shown the bureau may allow original claims for disability or death to be made at any time within one year. A final judgment against the employer, recovered in the manner provided herein, shall entitle such claimant to the compensation provided by this title for such injury or death and such compensation shall be paid from the general fund of the bureau, and any sum then or thereafter recovered on account of such judgment shall be paid to the bureau and credited as the commissioners of the workmen's compensation fund may designate.

§ 10. AMENDMENT.) Section 65-1001 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted 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. The payment of doctor, hospital and medical bills by the bureau shall not be deemed, for the purpose of this action, a participation in the fund by the claimant. An appeal involving injuries received under insurance provided under contracts with extraterritorial coverage shall be triable in the district court of Burleigh county. Such appeal shall be taken in the manner provided in chapter 28-32 of the title Judicial Procedure, Civil, as now or hereafter amended. 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.

§ 11. REPEAL.) Section 65-04051 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 6, 1951.

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**CONSTITUTIONAL AMENDMENTS**

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## CHAPTER 345

S. C. R. "Q"

(Nelson, Dahl, Duffy, Olson and Schrock)

## AUTHORIZING MUNICIPAL LIQUOR STORES

A concurrent resolution for an amendment to the constitution of the state of North Dakota authorizing municipal liquor stores.

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

That the following amendment to the constitution of North Dakota is agreed to, and shall be submitted to the qualified electors of North Dakota for approval or rejection, at the general election in November, 1952, in accordance with the provisions of section 202 of the North Dakota constitution:

§ 1.) Any city or incorporated village in this state may own, operate and maintain a municipal liquor store or stores within their corporate limits for the sale of alcoholic beverages, pursuant to such regulations and restrictions as may be prescribed by law.

Filed March 6, 1951.

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CHAPTER 346

S. C. R. "H"

(Rue, Strand, Spiekermeier, Thomas and Welander)

## COUNTY OFFICERS

A Concurrent Resolution providing for the amendment of section 173 of the constitution of the state of North Dakota.

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:*

That the following proposed amendment of section 173 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 173 of the constitution of the state of North Dakota is hereby reenacted to read as follows:

173. At the first general election after the adoption of this amendment, and every two years thereafter, there shall be elected in each county, organized under the provision of section 172 of the constitution of the state of North Dakota, a register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge and a clerk of the district court, who shall be electors in the county in which they are elected and who shall hold office until their

successors are elected and qualified; provided in counties having fifteen thousand population or less, the county judge shall also be clerk of the district court; provided further that in counties having a population of six thousand or less, the register of deeds shall also be clerk of the district court and county judge. The treasurer of any county shall not hold his or her respective office for more than four years in succession. The legislative assembly shall enact appropriate legislation to make this amendment effective at their first session after its adoption.

Filed March 3, 1951.

## CHAPTER 347

H. C. R. "D"  
(Hofstrand and Beede)

### INVESTMENT OF MONEYS OF THE PERMANENT SCHOOL FUND AND OTHER EDUCATIONAL FUNDS

A concurrent resolution providing for the amendment of the constitution of the state of North Dakota, as amended, relating to investment of moneys of the permanent school fund and other educational funds.

*Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring therein:*

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, 1952, in accordance with the provisions of section 202 of the North Dakota constitution, as amended.

§ 1. AMENDMENT.) Section 162 of article IX of the constitution of the state of North Dakota, as amended, is hereby re-enacted to read as follows:

§ 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the state of North Dakota, or on first mortgages on farm lands in this state to the extent such mortgages are guaranteed or insured by the United States or any instrumentality thereof, or if not so guaranteed or insured, not exceeding in amount one-half of the actual value of any subdivision on which the same may be loaned such value to be determined by the board of appraisal of school lands.

Filed March 6, 1951.

## CHAPTER 348

S. C. R. "A"  
(Legislative Research Committee)

## LOCATION OF SCHOOL FOR THE BLIND

A concurrent resolution providing for the amendment of the constitution of the state of North Dakota.

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

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, 1952, in accordance with the provision of section 202 of the North Dakota constitution as amended:

"The blind asylum shall be known as the North Dakota school for the blind and may be removed from the county of Pembina to such other location as may be determined by the board of administration to be in the best interests of the students of such institution and the state of North Dakota."

Filed March 3, 1951.

**CONSTITUTIONAL AMENDMENTS, DISAPPROVED**

## LOCATION OF SCHOOL FOR THE BLIND

Proposed by the Thirty-First Legislative Assembly of the state of North Dakota as Senate Concurrent Resolution B, being also Chapter 300, Session Laws of 1949, providing for an amendment of Subdivision 2 of Section 210 of Article XIX of the Constitution of the state of North Dakota as amended.

Disapproved June 27, 1950

77092 to 74927

## GRADUATED LAND TAX

Proposed by the Thirty-First Legislative Assembly of the state of North Dakota as House Concurrent Resolution F, being also Chapter 359 Session Laws of 1949, providing for an amendment to the Constitution of the state of North Dakota, relating to taxation and authorizing the people or the legislature to subject property to a progressive graduated land tax increasing according to area or value or both.

Disapproved June 27, 1950

110567 to 38561

## INITIATED MEASURES DISAPPROVED

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### INCOME TAX EXEMPTIONS; TAX BASIS FOR JOINT RETURNS

An initiated measure to amend and reenact section 57-3826 of the North Dakota Revised Code of 1943 as amended by chapter 306, Laws of 1945 relating to exemptions for individuals from income tax, section 57-3827 of the North Dakota Revised Code of 1943 relating to exemptions for fiduciaries from income tax and to establish the basis for computing the tax upon joint returns of husband and wife.

Disapproved June 27, 1950

79013 to 74528

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### LOCAL, COUNTY AND MUNICIPAL OPTION

#### ALCOHOLIC BEVERAGES

An Act providing for local and county option to decide whether or not alcoholic beverages shall be sold within a county, city, village, township, school district or any ward or voting precinct of any city; further defining terms, providing procedure, form of ballot and penalty; providing for repeal and repealing conflicting Acts.

Disapproved June 27, 1950

116235 to 48250

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## REFERRED MEASURES DISAPPROVED

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### ADDITIONAL TWO CENT PER GALLON GAS TAX

Referendum of a measure designated as House Bill 306, enacted by the Thirty-First Legislative Assembly of the state of North Dakota, imposing an additional two-cent gas tax per gallon on motor fuels in addition to all other taxes now imposed, and appropriating the proceeds of such special tax to the special county and state highway construction fund, and providing for the division of said fund between the state highway department and the counties of the state for construction and reconstruction of secondary state highways and county and township roads.

Disapproved June 27, 1950

127016 to 29045

## VETOES

H. B. No. 776  
(Bentz and Robinson)

ASSESSMENT OF PROPERTY AT FULL VALUE  
AN ACT

To amend and reenact section 57-0227 of the North Dakota Revised Code of 1943 relating to the assessment of property at its full value.

VETO

March 14, 1951

The Honorable Thomas Hall  
Secretary of State  
Bismarek, North Dakota

Dear Mr. Hall:

Transmitted herewith without my approval is House Bill 776, a bill relating to the assessment of property.

This bill amends the existing law by providing for the assessment of mineral rights when severed from the surface ownership of land.

Section 57-4901 of the 1949 Supplement to the Revised Code of 1943 provides for a tax of three cents per acre "for the privilege of holding mineral rights in real property when severed from the surface rights therein". This is being contested in the courts of our state at the present time. The decision of the case now before the courts may have a bearing on House Bill 776.

Because of the great interest shown in the exploration for oil in North Dakota, a Senate Resolution was adopted requesting the Legislative Research Committee to "undertake a study of the field of taxation, regulation, and conservation in relation to mineral resources, particularly oil" and make recommendations to the next legislative assembly. I believe the subject matter of this bill can be more adequately cared for after such recommendations have been made.

I therefore veto this bill.

Respectfully submitted,  
NORMAN BRUNSDALE  
Governor

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

§ 1. AMENDMENT.) Section 57-0227 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-0227. Property To Be Assessed At Full Value. All property subject to taxation based on the value thereof shall be as-

essed at its true and full value in money. In determining the true and full value of real and personal property the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price at which said property would sell at auction, or at forced sale, or in the aggregate with all the property in the town or district, but he shall value each article or description by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract, or lot of real property, there shall be determined the value of the land, exclusive of improvements, and the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell for at a fair voluntary sale for cash. When the ownership of any minerals has been severed from the ownership of the overlying strata the same shall be valued at such a price as such property would sell for at a fair voluntary sale for cash or in lieu thereof, the rentals may be capitalized at five per cent per annum where such such severed minerals are under lease.

Filed March 14, 1951.

S. B. No. 202  
(Committee on Agriculture)

**CERTIFICATES OF PUBLIC CONVENIENCE BY APPLICANT  
FOR LICENSE TO ESTABLISH LIVESTOCK SALES  
RING OR MARKET**

**AN ACT**

To require a certificate of public convenience and necessity to be obtained by an applicant for a license to establish a livestock sales ring or market, providing requirements of application and showing to be made, notice of hearing and hearing, providing license fee, and declaring an emergency.

**VETO**

March 14, 1951

The Honorable Thomas Hall  
Secretary of State  
Bismarck, North Dakota  
Dear Mr. Hall:

Transmitted herewith without my approval is Senate Bill 202. Chapter 36-05 of the North Dakota Revised Code of 1943 sets forth the conditions and regulations under which livestock sales rings may be licensed by the Public Service Commission. Adequate safeguards as to financial responsibility, proper facilities and

sanitary conditions for the handling of livestock are provided for in it. Besides under section 36-0506 of this chapter broad powers are given to the Commission in the matter of granting, renewing or even revoking licenses of sales rings, this upon the Commission's own motion or upon complaint by any person. I believe the public, the producer and the sales ring operator are protected under the laws now in effect and do not think at this time that legislation which would require certification of public convenience and necessity to establish a livestock sales ring as Senate Bill 202 proposes is necessary.

Respectfully submitted,  
NORMAN BRUNSDALE  
Governor

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

§ 1.) No person, partnership, firm or corporation shall hereafter establish a livestock sales ring or market in the state of North Dakota without first having obtained from the commission, under the provisions of this Act, a certificate declaring that public convenience and necessity require such operation and a license. Any person making application for such certificate shall do so in writing, verified by the applicant, and specifying the following matters:

1. The name and address of the applicant, and the names and addresses of its officers, if any;
2. The place where applicant proposes to operate a livestock market;
3. A complete and detailed description of the property and facilities proposed to be used in connection with such livestock market;
4. The commissions or charges applicant proposes to impose on the owners of livestock for services rendered to them by applicant in the operation of such livestock market;
5. A detailed statement showing the assets and liabilities of applicant;
6. A detailed statement of the facts upon which applicant relies showing public convenience and necessity for such livestock market, including the anticipated revenue from inspection fees that may be derived therefrom by the state of North Dakota;
7. Such other or additional information as the commission may require; and
8. Such application shall be accompanied by a fee of one hundred dollars (\$100.00) which shall also be considered the first annual license fee, if such application is granted.

§ 2.) Upon the filing of such application, the commission

shall fix a time and place for hearing thereon, which shall not be less than ten (10) days after such filing. The commission shall cause a copy of such application and notice of hearing thereon to be served by mail upon (a) the operators of any other livestock markets that in the opinion of the commission might be affected by the granting of any such certificate; (b) the secretaries of the North Dakota Stockmens Association and the North Dakota Woolgrowers Association; (c) the secretary of the district livestock association, if any; (d) the secretary of the livestock association or associations, if any, at the place or within the vicinity of the proposed livestock market, if known to the commission; (e) the North Dakota Livestock Auction Association; and (f) upon any railroad company operating into or through any town or city in which the proposed livestock market will be located, at least ten (10) days before the date of hearing.

If, after hearing upon such application, the commission shall find from the evidence that public convenience and necessity require the authorization of the proposed livestock market, a certificate therefor shall be issued to the applicant. In determining whether or not public convenience and necessity require such livestock market, the commission shall give reasonable consideration to the service rendered by other existing livestock markets in the state and the effect upon them if the proposed livestock market is authorized, and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout twelve (12) months of the year.

§ 3.) The provisions of this Act shall not apply to existing sales rings now licensed and in operation prior to the enactment of this Act.

§ 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.

Filed March 14, 1951.

H. B. No. 723  
(Thompson, Jansonius, Hegge)

#### HOURS OF HUNTING GAME BIRDS AND PROTECTED ANIMALS

##### AN ACT

To amend and reenact section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the hours of hunting game birds and protected animals.

VETO

March 14, 1951

The Honorable Thomas Hall  
Secretary of State  
Bismarck, North Dakota  
Dear Mr. Hall:

Transmitted herewith without my approval is House Bill 723

“relating to the hours of hunting game birds and protected animals.”

I have previously approved House Bill 641 which among other provisions authorizes the governor by proclamation to limit the time and manner of hunting all game birds. House Bill 723, although it does not amend the same section of the law as embodied in House Bill 641, yet it restricts the governor in his proclamation to the hours and manner of hunting upland game birds only.

Further House Bill 723, amending Section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943, permitting the hunting of game birds one half hour after sunset would tend to increase accidents and to cause loss of game birds.

Respectfully submitted,  
NORMAN BRUNSDALE  
Governor

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

§ 1. AMENDMENT.) Section 20-0106 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0106. HOURS OF HUNTING GAME BIRDS AND PROTECTED ANIMALS) No person during the time elapsing between one-half hour after sunset of one day and one-half hour before sunrise of the next day, shall hunt, pursue, catch, shoot at, or in any manner molest any game bird or protected animal within the borders of this state. The provisions of this section shall not apply to the trapping of fur-bearing animals by the holder of a lawfully issued trapping license, nor to the taking of raccoon as permitted by section 20-0105. The hours and manner of hunting upland game birds and game animals may be restricted further by a proclamation issued by the governor pursuant to the provisions of chapter 8 of this title.

Filed March 15, 1951.

H. B. No. 604  
(Baker)

REGULATING TRANSPORTATION, STORAGE AND  
INSTALLATION OF LIQUID PETROLEUM GAS AND LIQUID  
PETROLEUM GAS SYSTEMS

AN ACT

Relating to liquid petroleum gases, providing for the regulation of the transportation, storage, and installation of liquid petroleum gas and liquid petroleum gas systems; providing for permits; providing for fees; granting to the commissioner of insurance the right to promulgate and enforce minimum general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, distributing, and utilizing liquid petroleum gases, and providing a penalty, and providing an appropriation therefor.

VETO

March 14, 1951.

The Honorable Thomas Hall  
Secretary of State  
Bismarck, North Dakota  
Dear Mr. Hall:

Transmitted herewith without my approval is House Bill 604 "relating to liquid petroleum gases, providing for the regulation of the transportation, storage and installation of liquid petroleum gas and liquid petroleum gas systems" under the supervision of the insurance department.

There is serious question that this bill will permit the use of only one type of liquefied petroleum tank in this state, whereas other approved types are now used.

The provision regarding the transportation of tanks or cylinders probably conflicts with regulations of the Interstate Commerce Commission.

The intention is to promote the safe handling and installation of liquefied petroleum equipment. The State Fire Marshals' office has issued regulations which if followed are adequate; and if given publicity will give substantial protection to handlers and users until objections noted herein are corrected by future legislation if same is found necessary.

I therefore veto this bill.

Respectfully submitted,  
NORMAN BRUNSDALE  
Governor

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

§ 1.) As used in this Act, unless the context or subject matter otherwise requires:

1. "Liquefied petroleum gas" means and includes any material which is composed predominately of any of the

following hydrocarbons, or mixtures of them, whether in the liquid or in the gaseous state, propane, propylene, normal butane or isobutane, and butylene;

2. "Gas" or "compressed or liquified gas" means and includes any inflammable compressed or liquified gas, other than acetylene, including liquified petroleum gases as defined in subsection 1 of this section;
3. "Approved containers" means and includes all vessels used for the transportation or storing of compressed or liquified petroleum gases, which vessels have been approved by the commissioner of insurance;
4. "Systems" means an assembly of equipment consisting essentially of the container or containers, major devices and appurtenances such as vaporizers, carburetors, relief valves, excess flow valves, and regulators, together with necessary interconnecting piping, but not including gas consuming appliances and their connections; and
5. "Portable containers" means any container designed or intended for periodic exchange by or on behalf of the consumer, but shall not include any container designed for permanent installation on the customer's premises or designed or intended for periodic refilling by tank truck.

§ 2.) No person, firm, or corporation without first obtaining a permit, shall, except for his own use:

1. Transport or haul any cylinder of compressed or liquified gases and then, only in approved containers in an upright position and in compliance with the regulations approved by the insurance commissioner; or
2. Engage in the business of installing, bottling, wholesaling, or servicing, or actually install or service any liquified petroleum gas systems.

§ 3.) The permit provided for in section 2 of this Act shall be obtained from the commissioner of insurance upon the filing of an application therefor and the payment of a fee of fifteen dollars. The applicant for such permit shall prove, by means of an examination given by the commissioner of insurance, that he has the necessary knowledge and competency to perform safely the services authorized to be performed under such permit. Each permit shall be valid only for the calendar year in which it is issued. All fees collected under the provisions of this Act shall be paid into the state treasury, and there placed in a special fund to be known as the liquid petroleum gas fund.

§ 4.) The deputy state fire marshal, subject to control by the commissioner of insurance, shall administer the provisions of this Act and employ such persons and purchase such equipment and incur such other expenses as may be necessary in connection with the administration of this Act. The commissioner of in-

insurance shall make and enforce regulations setting forth minimum general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, distributing, and utilizing liquified petroleum gases, and shall specify the odorization of said gases and the degree thereof. Such regulations shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using such materials, and equipment, and shall be in substantial conformity with the generally accepted national standards of safety concerning the same subject matter.

§ 5.) Portable liquified petroleum gas containers shall be filled only at places specifically designed and permanently constructed for that purpose, and which have been approved by the deputy state fire marshal. Each container shall be tagged or labeled with the following: CAUTION. Transport and Handle in Up-right position only and with cap attached. Do not drop.

§ 6.) No person, firm, or corporation shall sell any liquified petroleum appliances or equipment for use in the state of North Dakota unless such appliances or equipment have been approved for use by the commissioner of insurance, or bear the Underwriter Laboratories' Label.

§ 7.) Vaporizers used in connection with liquified petroleum gases shall be located on the outside of any building in which such gases are used, except those buildings devoted specifically to gas manufacturing or distributor operation. However, such vaporizers may be located in houses or sheds of fire resistive construction well ventilated from points near the floor and roof and vaporizers of not more than one quart capacity, in systems utilizing vaporation supplied without artificial means, may be installed inside the building if such vaporizers are located close to the point at which the pipe leading to the vaporizer enters such building.

§ 8.) After having been given notice to cease and desist from, and ten days time in which to correct any violation of the provisions of this Act, or any rules or regulations promulgated hereunder, any person who continues in such violation shall be fined not less than one hundred dollars nor more than five hundred dollars and the permit of such person shall be canceled.

§ 9.) The provisions of this Act shall not apply to any public utility operating under a certificate of convenience and necessity issued by the public service commission.

§ 10.) There is hereby appropriated out of any moneys in the liquid petroleum gas fund in the state treasury, for the purpose of covering the cost of administering this Act, such sums as shall be necessary, but not in excess of the sums realized in accordance with the provisions of section 3 of this Act.

Filed March 15, 1951.

## RESOLUTIONS

S. C. R. "F"

(Work, Nordhougen, Baeverstad, Coghlan, Fraser and Duffy)

### ADEQUATE BOXCAR SUPPLY FOR EARLY SHIPMENTS OF DURUM GRAIN

A concurrent resolution requesting the interstate commerce commission to take such action as may be necessary to insure the furnishing of adequate boxcars for the early shipment of durum grain.

*Be It Resolved by the Senate of North Dakota, the House of Representatives Concurring Therein:*

WHEREAS, the state of North Dakota produces eighty-five percent of the durum raised in the United States, and the bulk of such production is in the northerly portion of the state, and

WHEREAS, late summer rains and early snow came before a large portion of such durum could be threshed, with the result that much of such durum contains more than fifteen percent moisture, and

WHEREAS, such grain cannot be safely stored on the farm nor in the grain elevators because of the danger of heating and it is necessary that such grain be sent to terminal markets where it can be properly dried and stored, and

WHEREAS, the marketing and shipping of such grain is being prevented by a shortage of boxcars and if such grain cannot be shipped before warm weather starts a great deal of such grain will spoil, with great financial loss to the farmers and great loss of human foods, and

WHEREAS, by reason of the aforesaid facts an emergency exists,

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that the interstate commerce commission be requested to take such action as may be necessary to insure the furnishing of adequate boxcars for the early shipment of such grain.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the interstate commerce commission and to the North Dakota senators and representatives in the congress of the United States.

Filed January 22, 1951.

H. R. No. 3  
(Hegge, Robinson and Bourgois)

ENFORCEMENT OF GAME LAWS BY GAME AND FISH  
DEPARTMENT

A resolution urging the state game and fish department to take cognizance of the need of good public relations and discretionary use of power in the conservation of game and the enforcement of game laws.

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, it is a matter of common knowledge that numerous complaints have been voiced by individuals and the press relative to the administration of the game laws of the state of North Dakota, and

WHEREAS, many new hunters annually take to the field they being mostly young people who cannot be expected to be familiar with the minute details contained in our maze of game and fish laws, and

WHEREAS, it is often possible for the most law abiding citizen to technically violate some of the provisions of our game laws, and

WHEREAS, because of technical, unintentional and honest mistakes made, many hunters have been subjected to the penalties of the law including confiscation of personal property,

BE IT RESOLVED that the game and fish department in the coming biennium exert every effort to improve their public relations; that the enforcement officials be cautioned to use their utmost discretion and good judgment before prosecutions are commenced to the end that technical, unintentional and honest acts or omissions by sportsmen and hunters be sifted from the intentional, flagrant violations which should be prosecuted.

BE IT FURTHER RESOLVED that the game and fish department give publicity to the common acts and omissions of a technical nature which are commonly committed, without giving the names of any individuals involved, to the end that other hunters and sportsmen may avoid those pitfalls.

Filed February 19, 1951.

S. C. R. "C"  
(Morgan)

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CONGRATULATIONS TO GRAFTON MUNICIPAL PARADE BAND

A concurrent resolution commending and congratulating the Grafton Municipal Parade Band for its appearance in the annual Tournament of Roses parade at Pasadena, California, January 1, 1951,

WHEREAS, the Grafton Municipal Parade Band was invited for the second time to participate in the annual Tournament of Roses parade at Pasadena, California, January 1, 1951, and

WHEREAS, the Grafton Municipal Parade Band, supported and financed by the people of Grafton community, accepted such invitation and participated in such parade, and

WHEREAS, the Grafton Municipal Parade Band was adjudged the second best organization of its kind in the said parade, and

WHEREAS, the appearance of this band in this parade and its excellent showing reflected great credit upon the state of North Dakota and brought unlimited good publicity to the state and its people.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that we extend to the Grafton Municipal Parade Band our heartiest commendation and congratulations for the service they have rendered to the state of North Dakota and its people, and

BE IT FURTHER RESOLVED that we congratulate and commend the citizens of the Grafton community for their unvarying moral and financial support of this outstanding musical organization which is so much a credit to the state.

Filed January 29, 1951.

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S. C. R. "I"  
(Sandness, Fetton, Welander)

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IMMEDIATE FUNDS FOR JAMESTOWN UNIT, MISSOURI  
DIVISION OF MISSOURI BASIN PROJECT

A concurrent resolution petitioning the President of the United States and the director of the bureau of the budget to immediately make available to the bureau of reclamation from the appropriation provided therefor by congress, or by transfer from budgeted carry-over, funds for continuing and completing the investigation, planning, pre-construction work and preliminary design, and for starting construction on the Jamestown unit, Missouri-Souris division, of the Missouri Basin project.

WHEREAS, periodical floods in the James River in North Dakota, particularly those which occurred in 1943, 1948 and 1950,

have damaged residential, commercial, industrial and public property in the city of Jamestown, North Dakota, in excess of \$1,750,000, and have caused further damage to rural and urban property in downstream areas; and

WHEREAS, surveys and investigations by the North Dakota state water conservation commission, the bureau of reclamation, and the corps of engineers, U. S. army, show that when constructed the Jamestown dam and reservoir will impound flood waters for the control and regulation of flows in the James River, in both North and South Dakota; and

WHEREAS, the eighty-first congress, second session, in view of these floods in this area, recommended that construction work on the Jamestown unit be started at the earliest possible date, and advanced the project to phase A (construction), and appropriated the sum of \$750,000; and

WHEREAS, the bureau of the budget at the direction of the President did thereafter impound the whole of said appropriation, leaving the bureau of reclamation without any funds with which to continue the necessary investigation, planning, preconstruction work, or preliminary design, or with which to undertake construction on the unit;

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

That the President of the United States and the director of the bureau of the budget be, and they are hereby, urgently requested to release and restore and immediately make available to the bureau of reclamation from the appropriation provided therefor by congress, or by the transfer from budgeted carry-over, funds to continue and complete the necessary investigation, surveys, planning, reconstruction work and preliminary design, and for starting construction on the Jamestown unit, Missouri-Souris division, of the Missouri Basin project; and

BE IT FURTHER RESOLVED: That the secretary of state be and he is hereby directed to mail a copy of this resolution to the President of the United States, to the director of the bureau of the budget and to each of our senators and representatives in congress.

Filed February 24, 1951.

H. R. "9"  
(Jansonius, Thompson, Bentz, Robinson, Sailer)

**ACQUISITION OF LANDS BY FEDERAL GOVERNMENT FOR  
RIVER DEVELOPMENT WITHOUT LIQUID MINERAL, OIL OR  
GAS RIGHTS THEREIN**

A resolution asking congress to amend the federal statutes to permit the taking of lands needed for river development by purchase or condemnation without acquiring natural liquid mineral, oil or gas rights therein.

WHEREAS, of the thousands of acres of land which the federal government needs and proposes to acquire by purchase or power of eminent domain for the Missouri River development program now in progress in this state, large areas are now under lease to well established oil companies for the drilling of oil and gas wells and development, if feasible, and

WHEREAS, oil has recently been discovered near some of these areas and the prospects seem good for further oil or gas discoveries thereon, and

WHEREAS, the present federal statutes require the federal government to acquire complete title, including mineral and oil and gas rights to any lands upon which the federal government needs the surface only or the right to flood the said lands, and

WHEREAS, there seems no actual necessity for the government to compel the owners to surrender natural gas, oil or liquid mineral now beneath the surface in order for the government to acquire the surface for flooding or other purposes, and

WHEREAS, it is apparent that acquiring of the complete title including the oil, gas and liquid mineral rights under the present prospects will needlessly increase the cost to the government of such land acquisition and will probably result at this stage in an inadequate return to the present owners for such mineral rights, and create infinitely greater difficulties in the already difficult evaluation of such lands, and

WHEREAS, modern gas and oil drilling can be and is carried on in water deeper than that which will cover thousands of acres of such lands even after the reservoirs to be created by the main stem dams on the Missouri River are filled to the proposed maximum depth;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, that the congress be and is hereby respectfully requested to amend 33 U.S.C.A., Sections 591 and 592; 40 U.S.C.A., Sections 257 and 258A; and 43 U.S.C.A., Section 421, to permit the acquisition of the lands needed by the federal government for the federal river development program without the liquid mineral, oil and gas rights therein, when the said mineral rights shall not be actually needed by the federal government for such river development and the owners desire to retain such mineral rights.

Filed March 6, 1951.

S. R. 7  
(Solberg, Duffy and Stucke)

ACQUISITION OF LANDS BY FEDERAL GOVERNMENT FOR  
RIVER DEVELOPMENT WITHOUT LIQUID MINERAL, OIL OR  
GAS RIGHTS THEREIN

A resolution asking congress to amend the federal statutes to permit the taking of lands needed for river development by purchase or condemnation without acquiring natural liquid mineral, oil or gas rights therein.

WHEREAS, of the thousands of acres of land which the federal government needs and proposes to acquire by purchase or power of eminent domain for the Missouri River development program now in progress in this state, large areas are now under lease to well established oil companies for the drilling of oil and gas wells and development, if feasible, and

WHEREAS, oil has recently been discovered near some of these areas and the prospects seem good for further oil or gas discoveries thereon, and

WHEREAS, the present federal statutes require the federal government to acquire complete title, including mineral and oil and gas rights to any lands upon which the federal government needs the surface only or the right to flood the said lands, and

WHEREAS, there seems no actual necessity for the government to compel the owners to surrender natural gas, oil or liquid mineral now beneath the surface in order for the government to acquire the surface for flooding or other purposes, and

WHEREAS, it is apparent that acquiring of the complete title including the oil, gas and liquid mineral rights under the present prospects will needlessly increase the cost to the government of such land acquisition and will probably result at this stage in an inadequate return to the present owners for such mineral rights, and create infinitely greater difficulties in the already difficult evaluation of such lands, and

WHEREAS, modern gas and oil drilling can be and is carried on in water deeper than that which will cover thousands of acres of such lands even after the reservoirs to be created by the main stem dams on the Missouri River are filled to the proposed maximum depth;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA that the congress be and is hereby respectfully requested to amend 33 U.S.C.A., Sections 591 and 592; 40 U.S.C.A., Sections 257 and 258A; and 43 U.S.C.A., Section 421, to permit the acquisition of the lands needed by the federal government for the federal river development program without the liquid mineral, oil and gas rights therein, when the said mineral rights shall not be actually needed by

the federal government for such river development and the owners desire to retain such mineral rights.

BE IT FURTHER RESOLVED, that the secretary of the senate of the state of North Dakota transmit copies of this resolution to the President of the United States, the secretary of state of the United States, the secretary of the interior of the United States, to the respective heads of the bureau of reclamation and the army engineers, and to each member of the North Dakota congressional delegation.

Filed March 6, 1951.

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H. R. No. 4

(Halcrow, Lillehaugen and Wadeson)

HOUSE CHAPLAIN SERVICE

A resolution relating to chaplain service.

*Be It Resolved by the House of Representatives of the State of North Dakota:*

The schedule for chaplain service proposed by the Bismarck-Mandan Ministerial Association is agreed to and the employment of chaplains in accordance with such schedule at six dollars per diem, is hereby authorized.

Filed February 2, 1951.

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S. R. 4

(Troxel)

SENATE CHAPLAIN SERVICE

A resolution relating to chaplain service.

*Be It Resolved by the Senate of the Thirty-Second Legislative Assembly of the State of North Dakota:*

The schedule of chaplaincy for the senate of the thirty-second legislative assembly as set forth in the Journal of the senate on page 11 is agreed to and the employment of chaplains in accordance with such schedule at six dollars per diem, to be paid as legislative expense, is hereby authorized.

Filed February 3, 1951.

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H. C. R. "A"

(Bubel and Baker)

LAWS FOR LEGISLATIVE COMMITTEE USE

A concurrent resolution providing for 1949 Supplements to the North Dakota Revised Code of 1943 and 27 copies of the 1949 Session Laws for the use of the various committees of the legislative assembly.

*Be It Resolved by the House of Representatives of the Thirty-Second Legislative Assembly of the State of North Dakota, the Senate Concurring Therein:*

That the secretary of state be authorized and directed to furnish twenty-seven copies of the 1949 Supplement to the North

Dakota Revised Code of 1943 and 27 copies of the 1949 Session Laws, fifteen copies of each to be distributed to the committee rooms of the house and twelve copies to the committee rooms of the senate, each volume to be stamped or labeled "Property of the State of North Dakota." Such volume shall be under the custody of the various committee chairmen, whose duty it shall be, at the close of the session, to deliver them to the secretary of state to be kept by him for the use of succeeding sessions of the legislature. A copy of this resolution duly certified shall be delivered to the secretary of state as his authority for furnishing the same.

Filed January 12, 1951.

H. R. No. 2  
(Baker)

#### N. D. REVISED CODES FOR HOUSE USE

A house resolution providing Revised Codes for the use of the various committees of the house of representatives.

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, in the various committee meetings it is often necessary to refer to the code and for that reason a code should be available for such use;

THEREFORE, BE IT RESOLVED, That the secretary of state be authorized and directed to furnish six copies of the Revised Code of 1943, six copies of the 1949 Supplement thereto, and six copies of the 1949 Session Laws to be distributed to the various committee rooms of the house, each volume to be stamped or labeled "Property of the State of North Dakota," and under the custody of the various committee chairmen using same, whose duty it shall be, at the close of the session, to deliver them to the secretary of state to be kept by him for the use of succeeding sessions of the legislature, and that a copy of this resolution duly certified by the chief clerk of the house be delivered to the secretary of state as his authority for furnishing same.

Filed January 29, 1951.

S. C. R. "D"  
(Committee on Employment)

#### MEMORIAL HALL FOR LEGISLATIVE EMPLOYEES' DANCES

A concurrent resolution allowing use of the Memorial Hall for legislative employees' 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 house of representatives of the 32nd legislative session wish to hold dances and

a mock session in the memorial hall and house chambers located in the state capitol, 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 and house chambers;

NOW, THEREFORE, BE IT RESOLVED, by the senate of North Dakota, the house of representatives concurring therein, that the board of administration is hereby requested to give permission to the employees of the senate and the house of representatives for the use of said state owned property, furnishing proper police to maintain proper order and decorum; and

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 22, 1951.

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H. C. R. "B"  
(Employment Committee)

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**LEGISLATIVE EMPLOYEES, DESIGNATION AND SALARIES**

A concurrent resolution providing and designating house and senate employees and naming and fixing their salaries:

*Be It Resolved by the House of Representatives of the Thirty-Second Legislative Assembly of the State of North Dakota, the Senate Concurring Therein:*

That for and during this thirty-second legislative assembly the following named persons be employed and appointed as officers and employees of the house and of the senate and shall be paid the compensation set opposite their respective names:

HOUSE

Kenneth L. Morgan, chief clerk .....	\$ 15.00
John Koehn, assistant chief clerk .....	12.00
Margaret O. Sheehan, desk reporter .....	17.00
Nettie E. Ellingson, bill clerk .....	11.00
Oswald Kruisk, sergeant-at-arms .....	9.00
Earl Stedman, ass't sergeant-at-arms .....	8.00
E. O. Haugen, bill room clerk .....	8.00
Ray Stabenou, bill room clerk .....	8.00
T. A. Crawford, calendar clerk .....	11.00
Ruth Staley, enrolling clerk .....	10.00
Florence Graham, enrolling clerk .....	10.00
Ethel Taylor, stenographer .....	11.00
Eleanor Vendt, stenographer .....	11.00
Helen Gallagher, stenographer .....	11.00
Edna Walsh, stenographer .....	11.00

Marie Tunnell, stenographer.....	11.00
E. K. Sheaffer, committee clerk.....	9.00
Miles Nelson, head mailing clerk.....	10.00
D. B. Cook, mailing clerk.....	8.00
Eloys Walcher, speaker's secretary.....	11.00
Eleanor Thal, page.....	8.00
Norma Ekren, page.....	8.00
Robert Simenson, page.....	8.00
Ellen Schulte, page.....	8.00
Oscar Lybeck, committee clerk.....	9.00
Charles Ufer, mailing clerk.....	8.00
James R. Anderson, committee clerk.....	9.00
Mike Toussaint, doorkeeper.....	8.00
Christ Fossum, doorkeeper.....	8.00
John Sailer, mailing clerk.....	8.00
P. H. Miller, mailing clerk.....	8.00
Lorna Boutrous, telephone clerk.....	8.00
Effie Hamry, committee clerk.....	9.00
Alma Jean Johnson, committee clerk.....	9.00
Gilbert Berg, mailing clerk.....	8.00
Mary E. Farr, mailing clerk.....	8.00
Ralph Scott, proofreader.....	9.00
Mrs. R. D. Corwin, proofreader.....	9.00
Lillian Frenberg, committee clerk.....	9.00
Harvey Johnson, mailing clerk.....	8.00
Darrel Traynor, mailing clerk.....	8.00
Lloyd Gunderson, doorkeeper.....	8.00
Nels Johnson, postmaster.....	9.00
John Feist, mailing clerk.....	8.00
Tollef Moe, mailing clerk.....	8.00
C. G. Ricketts, messenger to governor.....	8.00
A. E. Cooper, messenger to senate.....	8.00
Thorwald Siem, doorkeeper.....	8.00
Rollin Stair, mailing clerk.....	8.00
Isaac Isaakson, cloak room attendant.....	8.00

## SENATE

W. J. Trout, secretary.....	\$ 15.00
Arthur A. Herk, ass't secretary.....	12.00
Dagney Olson, desk reporter.....	17.00
Earl Murray, bill clerk.....	11.00
Merrel Dahle, sergeant-at-arms.....	9.00
E. T. Coreoran, ass't sergeant-at-arms.....	8.00
Ruth Smith, secretary to lieutenant governor.....	11.00
Mrs. P. J. Curtis, enrolling and engrossing.....	10.00
Mrs. Alice Knoll, enrolling and engrossing.....	10.00
Helen Crawford, stenographer.....	11.00
Emma McCrorie, stenographer.....	11.00

Arlene Reinke, stenographer .....	11.00
Oscar Olson, proofreader.....	9.00
Oscar O. Odegaard, proofreader.....	9.00
Albert Aarseth, postmaster.....	9.00
E. L. Christensen, chart room.....	10.00
George S. Lund, ass't chart room.....	8.00
Nels Noben, ass't chart room .....	8.00
Mack Lavin, calendar clerk.....	11.00
Myrtle Steen, stenographer.....	11.00
William R. Mills, committee clerk.....	9.00
O'Della Robinson, committee clerk.....	9.00
Selma H. Stenersen, committee clerk.....	9.00
Mrs. Paul E. Halldorson, committee clerk.....	9.00
Rueben L. Olson, committee clerk.....	9.00
Gwen Staffon, committee clrk.....	9.00
Loring Knecht, committee clerk.....	9.00
M. W. Clendenen, committee clerk.....	9.00
C. S. Wiley, committee clerk.....	9.00
Victor Grina, messenger to governor.....	8.00
E. W. Willoughby, cloak room attendant.....	8.00
Claudia M. McCulloch, telephone attendant.....	8.00
Doris King, page.....	8.00
Luetta Pepple, page.....	8.00
Arnold Holden, page.....	8.00
Jerry Stair, page.....	8.00
W. F. King, doorkeeper.....	8.00
Martin Kilwein, doorkeeper.....	8.00
A. G. Settelmeyer, doorkeeper.....	8.00
S. K. Haugsjaa, doorkeeper.....	8.00
John S. Hove, bill room clerk.....	8.00
Mrs. B. E. Clerk, bill room clerk.....	8.00
Joe Marion, bill room clerk.....	8.00
James Klesalek, bill room clerk.....	8.00
John M. Dockter, committee room attendant.....	8.00
Ed Richter, committee room attendant.....	8.00
Adolph Reisenauer, committee room attendant.....	8.00
George Harmon, committee room attendant.....	8.00
Ray Unzelman, mailing clerk.....	8.00
Albert Moerke, mailing clerk.....	8.00
Carl Olson, mailing clerk.....	8.00
Jacob Hegland, mailing clerk.....	8.00
Mary Stuss, mailing clerk.....	8.00
Mrs. John Steichen, mailing clerk.....	8.00
Mable Barnes, mailing clerk.....	8.00
Joe Eisele, night watchman.....	8.00

Filed January 23, 1951.

H. C. R. "E"  
(House Employment Committee)

JANITOR AND ENGINEERING SERVICE

A concurrent resolution providing for janitor service and for engineering service on the electric voting machines.

*Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:*

There is hereby authorized, to be charged as miscellaneous expense of the thirty-second legislative assembly, the expenditure by the board of administration of the sum of two thousand and one hundred dollars or so much thereof as may be necessary for legislative janitor service and the expenditure of three hundred dollars or so much thereof as may be necessary for engineering services on the electric voting machines. Vouchers for janitor service so authorized shall be drawn semi-monthly.

Filed February 14, 1951.

H. C. R. "S"  
(Joint Committee on Employment)

COMPLETION OF LEGISLATIVE JOURNALS

A concurrent resolution providing for the completion of the legislative journals of the senate and the house.

*Be It Resolved by the House of Representatives, of the State of North Dakota, the Senate Concurring Therein:*

WHEREAS, 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 thirty-second legislative assembly, 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 five hundred dollars 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.

Filed March 6, 1951.

H. C. R. "Q"  
(Joint Committee on Employment)

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COMPLETION OF MISCELLANEOUS WORK

A concurrent resolution providing for the retaining of certain employees of the senate and house after the legislative session for the purpose of completing legislative work.

*Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:*

That, Miles Nelson, Ray Unzelman, Mary Stuss and Charles Ufer, mailing clerks of the thirty-second 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; that Ralph Scott and Oscar Olson, proofreaders of the house and senate, respectively, be retained for four days after the close of the session to finish proof reading the Journals of the house and senate for the last day of this thirty-second legislative assembly; that Robert Simenson and Ellen Schulte, pages of the house, and Doris King and Luetta Pepple, pages of the senate, be retained for three days after the close of the session for the purpose of wrapping and either mailing or expressing to the members of the senate and the house, bill books, Journals, reports and files; and that Nels Johnson and Albert Aarseth, postmasters of the house and senate, respectively, be retained for two days after the close of this 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 employes, to-wit: Miles Nelson to be paid for said additional five days the sum of ten dollars per day and that Ray Unzelman, Mary Stuss and Charles Ufer be paid for said additional five days, the sum of eight dollars per day; that Ralph Scott and Oscar Olson, cooperation of the state highway department and any and all other sum of nine dollars per day for four days; that Robert Simenson, Ellen Schulte, Doris King and Luetta Pepple, as pages, be paid the sum of eight dollars per day for said additional three days; and that Nels Johnson and Albert Aarseth, postmasters be paid the sum of nine dollars per day for said additional two days, Mrs. P. J. Curtis, Mrs. Alice Knoll, Florence Graham, Ruth Staley be paid ten dollars per day for additional three days; all of the above expenses to be paid as other legislative expense and paid when the respective claims are verified by the affidavits of said parties named here at the completion of said work.

Filed March 6, 1951.

H. C. R. "R"  
(Joint Committee on Employment)

COMPLETION OF RECORD OF BILLS

A concurrent resolution providing for the preparation of a compilation of a record of bills introduced in the house of representatives and the senate of the state of North Dakota.

*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 amendment thereto:

NOW, THEREFORE BE IT RESOLVED by the house of representatives of the state of North Dakota, the senate concurring therein, that such compilation be at once prepared in a pamphlet similar in size to the house and senate Journals; that Kenneth L. Morgan, chief clerk of the house be employed for the house and W. J. Trout, secretary of the senate be employed for the senate to prepare such compilation immediately, a copy of the same to be mailed as speedily as possible to each member of the house and senate, at the home address thereof. That the said Kenneth L. Morgan and W. J. Trout be and they are hereby respectively retained on this work for the house and for the senate for the period of eight 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 6, 1951.

H. R. No. 6  
(Einarson, Erickson and Sommer)

STUDY OF ASSESSMENT OF PROPERTY

A resolution providing for a study of the assessment of property.

*Be It Resolved by the House of Representatives of the State of North Dakota:*

The legislative research committee is hereby directed to undertake a study of property assessment for purposes of taxation, and to consider in such study the systems presently in effect in jurisdictions similar to North Dakota and such other methods of property valuations as the committee may determine to be practical, equitable, and scientific. The results of such study shall be submitted to the thirty-third legislative assembly together with the committee's concrete recommendations for advisable changes in the laws of this state.

Filed March 3, 1951.

H. R. No. 8  
(Laske, Holand, Beede and Bubel)

**STUDY OF FARM RETIREMENT SYSTEM**

A resolution providing for a study of a farm retirement system.

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, the need and desirability of a thorough study of a farmers retirement system was evidenced by the passage in the house of representatives, February 15, of House Bill No. 725, known as the North Dakota Farmers Retirement System; and,

WHEREAS, the farmer, who creates most of the new wealth, or, as the ultimate consumer, pay for much of the cost of all pension plans, is himself the "forgotten man" in that he is not covered by any insurance plan; and,

WHEREAS, the farmer is the only large segment of our population not now covered by a federally operated pension plan;

*Now, Therefore, Be It Resolved by the House of Representatives of the Thirty-Second Legislative Assembly of the State of North Dakota:*

That we hereby direct the legislative research committee to make a thorough study of the practicability of a farmers retirement system, to investigate and ascertain how such a plan could be made fair and equitable to all concerned, and to report their findings back to the thirty-third legislative assembly;

BE IT FURTHER RESOLVED, that the legislative research committee is required to study the possibilities of a retirement plan on a broader base so as to include everyone in a retirement plan not based on need.

Filed March 3, 1951.

H. C. R. "J"  
(McLellan and Wolf)

**STUDY OF UNIFICATION, COORDINATION AND IMPROVED  
STANDARDS RELATIVE TO HIGHER EDUCATIONAL  
INSTITUTIONS**

A concurrent resolution directing the legislative research committee to conduct a detailed study of the problems of unification, coordination, and improved standards of education as regards institutions of higher learning in 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 legislative research committee is hereby directed to conduct a detailed study of the state supported institutions of higher learning in the state of North Dakota, which study shall be commenced not later than June 1, 1951 and completed not later than September 1, 1952, for the purpose of ascertaining if it is

possible to attain a better degree of unification and coordination, and improved standards of education through either the establishment of a single president or head of all such institutions or a system of making certain existing institutions branches of other institutions or both, and whether it is possible to improve our institutions of higher learning through the elimination of unnecessary duplication in courses of study and the standardization of the subjects at the junior college level.

BE IT FURTHER RESOLVED, that if such a study reveals that legislation or constitutional amendments should be recommended, that said legislative research committee prepare such proposed legislation or constitutional amendments to be presented to the thirty-third legislative assembly of the state of North Dakota together with its report.

Filed March 6, 1951.

H. C. R. "P"

(Sailer, Wolf, Johnson, Levin, Fleck, Beede, Einarson, and Anderson of Ransom)

**STUDY AND PLAN FOR IMPROVEMENT OF HIGHWAYS,  
STREETS AND BRIDGES**

A concurrent resolution directing that a study and preparation of a plan for the improvement of the financial and physical condition of the roads, streets and bridges of this state be made.

WHEREAS, the construction and maintenance of highways, streets and bridges are necessary and indispensable to the state, and

WHEREAS, these roads and streets are traditionally and constitutionally a governmental responsibility, the cost of which is borne out of revenues derived from the various beneficiaries thereof, and

WHEREAS, the meeting of such costs necessitates a collection of exceedingly large sums in the form of road user taxes in addition to property and other general fund levies, which are augmented by federal grants in aid, and

WHEREAS, a systematic improvement of the highway system is of transcending importance to the life and economy of the state, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, the legislative research committee shall obtain, study and analyze all facts and matters pertaining to the development of a program of construction, reconstruction, improvement and maintenance of the highways, streets and bridges of the state, the maximum utilization of existing road facilities, and the efficient administration and sound financing of the highways, streets and bridges of the state. The committee shall arrive at an informed estimate of the total costs of the aforementioned program and shall allocate

such costs to the state and to the various units of government as the benefits of each may be determined. In making its recommendations for the financing of the proposed highway program, the committee shall include proposals for an equitable division of costs among the several beneficiaries of the highways as well as for the improvement of fiscal and administrative practices. The committee shall file its final report with the governor and make the same available to the press and the public at least ninety days prior to the convening of the 1953 regular session. In making studies, examinations, and recommendations requiring engineering, clerical and stenographic services, the committee, with the consent of the highway commissioner shall utilize such employees and facilities of the state highway department as may be necessary and available and shall cooperate with and secure the cooperation of the state highway department and any and all other state and local officials who are charged with duties and responsibilities which relate in any way to the administration, construction, maintenance, use and financing of the roads and streets of North Dakota.

Filed March 3, 1951.

S. R. No. 6  
(Bjorlie and Schoeder)

**STUDY WITH RESPECT TO THE CONSERVATION OF MINERAL  
RESOURCES, PARTICULARLY OIL, AND OF MINERAL LAWS**

A resolution directing the legislative research committee to make a comprehensive study concerning the mineral laws of this state.

WHEREAS, North Dakota lies in a geographic area in which the development of mineral resources has but recently been undertaken, and

WHEREAS, it is highly probable that oil, in commercial quantities, will soon be discovered and developed, and

WHEREAS, mineral rights, and leases affecting millions of acres of land are being bought and sold and otherwise dealt in at the present time, and

WHEREAS, the laws of this state do not adequately provide for the taxation, regulation, and conservation of the mineral resources of this state,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, that the legislative research committee undertake a study of the field of taxation, regulation, and conservation in relation to mineral resources, particularly oil, and that such study include a study of the laws of this and other states in order that the committee may recommend to the next legislative assembly a comprehensive system of laws to tax, regulate, and conserve the mineral resources of this state.

Filed February 27, 1951.

H. R. No. 10  
(Baker and Nygaard)

**FINANCING AND CONSTRUCTION OF REVENUE PRODUCING BUILDINGS**

A resolution providing for a study of revenue producing buildings.

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, the financing of necessary buildings at the state institutions of higher education has been a serious problem confronting the state of North Dakota for many years; and

WHEREAS, certain buildings after construction produce substantial revenue and income to the state or to the institution; and

WHEREAS, various methods of financing and construction of revenue producing buildings have been utilized by this and other states; and

WHEREAS, it is essential that a sound financial program for the construction of needed buildings be established and that adequate information be available as to the needs of the various institutions, the potential revenue to be derived from construction of such buildings at the institutions, and methods of financing such construction,

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-second legislative assembly that the legislative research committee is hereby directed to examine the laws of the state of North Dakota and of other states in regard to the financing and construction of revenue producing buildings at state institutions; to consider the needs of the various institutions, the potential revenue to be derived from existing and proposed buildings, and practical methods of finance; and to report to the thirty-third legislative assembly setting forth recommendations and conclusions.

Filed March 6, 1951.

H. R. No. 1  
(Erickson, Bentz and Weber)

**OFFICIAL PHOTOGRAPHER — HOUSE**

Resolution to appoint an official photographer for the house of representatives of the thirty-second legislative assembly of the state of North Dakota.

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, for historical purposes it has been the custom of all North Dakota legislative assemblies to have composite group pictures made of all members of such assemblies, and

WHEREAS, Campbell Studio of Bismarek, North Dakota offers to make a large composite group picture of the members of the house of representatives of the thirty-second legislative assembly.

size four feet nine inches by three feet six inches, such picture to be framed and ready to hang, and one hundred seventeen eleven by fourteen copies of said picture for each member and desk force of the house but not to be framed, at a cost of six hundred and seventy-five dollars.

NOW THEREFORE, BE IT RESOLVED: That Campbell Studio, Bismarek, North Dakota, be, and is hereby appointed official photographer for the North Dakota house of representatives of the thirty-second legislative assembly.

BE IT FURTHER RESOLVED: That the Campbell Studio of Bismarek, North Dakota, be and is hereby awarded the sole privilege of photographing members of the house of the thirty-second legislative assembly, at a cost price of six hundred and seventy-five dollars, to be taken out of legislative expenses.

Filed January 18, 1951.

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S. R. 3

(Thomas, Bjorlie and Klusman)

OFFICIAL PHOTOGRAPHER — SENATE

A senate resolution to appoint an official photographer for the senate of the thirty-second legislative assembly of the state of North Dakota.

*Be It Resolved by the Senate of the State of North Dakota:*

WHEREAS, for historical purposes it has been the custom of all North Dakota legislative assemblies to have composite group pictures made of all members of such assemblies, and

WHEREAS, Campbells Studio of Bismarek, North Dakota offers to make a composite group picture of the thirty-second legislative assembly size 30 x 40, said picture to be framed and ready to hang, and fifty-five eleven by fourteen copies of said picture for each member and desk force of the senate at a cost of three hundred seventy-five dollars.

NOW THEREFORE, BE IT RESOLVED, that Campbells Studio of Bismarek, North Dakota, be and is hereby awarded the sole privilege of photographing members of the senate of the thirty-second legislative assembly, at a cost price of three hundred seventy-five dollars, to be taken out of legislative expenses.

Filed February 6, 1951.

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S. C. R. "N"  
(Reinke)

PICTURE OF 1891 HOUSE; GRATITUDE TO MRS. GUY FOSS,  
MRS. OLE HATLIE AND MRS. BERNARD LARSON FOR GIFT

A concurrent resolution expressing the gratitude of the thirty-second legislative assembly to Mrs. Guy Foss, Mrs. Ole Hatlie and Mrs. Bernard Larson.

WHEREAS, pictures of the senate and house of the legislative assembly of the state of North Dakota are on display in the

observation room of the capitol building in Bismarek, and

WHEREAS, pictures of the senate for the years 1889, 1891, 1893, 1895, 1899, 1901, 1903, 1905, and 1931 and pictures of the house for the years 1889, 1893, 1895, 1897, 1899, 1901, 1903, 1905, and 1915 are missing from such display, and

WHEREAS, Mrs. Guy Foss of Christine, and Mrs. Ole Hatlie and Mrs. Bernard Larson of Wahpeton, daughters of Peter S. Larson, a member of the house in 1891, now deceased, have presented to the state a picture of the house of 1891,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that the legislative assembly hereby express its gratitude to Mrs. Guy Foss, Mrs. Ole Hatlie, and Mrs. Bernard Larson for the donation of the picture of the house of 1891, and that we urge other persons having any of the above listed pictures to make similar donations in order that a complete display of past house and senate members may be available to the people of this state.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Mrs. Guy Foss of Christine, and Mrs. Ole Hatlie and Mrs. Bernard Larson of Wahpeton by the secretary of state.

Filed March 3, 1951.

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S. R. 5  
(Leno and Bridston)

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IMPROVEMENT OF SENATE VENTILATION AND  
HEATING SYSTEM

A resolution respecting the ventilation and heating system for the senate chambers.

WHEREAS, the ventilation and heating system in the senate chambers, in its present operating condition, is inefficient and apparently insufficient to maintain in such chambers an adequate supply of draft free, fresh, warm air;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, that the board of administration is hereby directed to study such system and do everything possible to correct and improve its operation before the convening of the next legislative assembly;

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the secretary of the board of administration and to the governor by the secretary of the senate.

Filed February 16, 1951.

H. C. R. "G"  
(Fristad)

SPECIAL TRIBUTE TO MANDAN POLIO CALF SALE AND  
SPONSORS

A concurrent resolution commending the organizations and persons responsible for the polio calf sale to be held on January 23, 1951, at Mandan, North Dakota, which sale is to be broadcast over five radio stations within the state of North Dakota.

*Be It Resolved by the House of Representatives of the Thirty-Second Legislative Assembly of the State of North Dakota, the Senate Concurring Therein:*

WHEREAS, in 1950 there were about 54,000 polio patients who received financial help through the 2,822 chapters of the National Foundation for Infantile Paralysis; and

WHEREAS, thirty thousand of these were victims from previous years, including 17,000 from 1949, the worst polio year in history. The others helped by March of Dimes money were the four out of five of 1950's more than 30,000 cases; and

WHEREAS, the crippling disease is one of the most costly of all to treat because of expensive equipment and highly skilled techniques are involved. Often care must continue for months or years. Most families are overwhelmed by such a tragedy. They must depend upon the generosity of their fellow citizens who support the March of Dimes; and

WHEREAS, North Dakota ranked third in per capita average of all states in the incidence of polio for the past ten year period; and

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, that the legislature set aside ten minutes or more of their time to listen to the broadcast of this polio calf sale and that sufficient radios be installed in the chambers to enable the members to listen; and

BE IT FURTHER RESOLVED that we congratulate and commend all persons, organizations and radio stations for the promotion of this polio calf sale

Filed January 29, 1951.

S. C. R. "K"  
(Stucke, Streibel, Bridston and Day)

FOUR YEAR MEDICAL SCHOOL AT UNIVERSITY

A concurrent resolution addressed to the board of higher education pertaining to the medical school:

WHEREAS, the increased need for medical doctors in rural North Dakota is becoming more and more acute,

WHEREAS, competent teachers in the medical field can not

be obtained on short notice thus making it essential to pursue a long range plan in the development of the medical school,

WHEREAS, the present system of sending North Dakota boys and girls to other schools to complete their medical training is causing North Dakota to lose them permanently after investing large sums of money in their education, and

WHEREAS, North Dakota students who desire to make medicine their career in many cases find it impossible to gain entrance in other medical schools who give preference of residents to their own state.

*Now, Therefore, Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

That the board of higher education proceed with all possible dispatch to get a complete four year medical school in operation at the University of North Dakota.

Filed March 6, 1951.

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J. M. R. 1

(Joint Memorial Resolutions Committee)

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#### BOY SCOUTS OF AMERICA

A resolution in recognition of the Boy Scouts of America.

WHEREAS, the Boy Scouts of America has observed its forty-first anniversary on February 8, 1951, with membership passing the two million mark and more than seventeen million men and boys have been members in forty-one years, and

WHEREAS, the citizenry of North Dakota have benefited by the good turns, community service and the high type of young manhood the scouting program develops, and

WHEREAS, more than twelve thousand North Dakota boys are currently participating in the scouting program of citizenship training, character building and physical fitness, and

WHEREAS, the Boy Scouts of America are embarked on a program to strengthen liberty, further civil defense and conservation of resources in our state and the United States,

NOW, THEREFORE, BE IT RESOLVED BY THE THIRTY-SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, in joint session, that we do hereby endorse the program of the Boy Scouts of America and heartily encourage interested participation by our boys as scouts and our men as leaders, and that we commend the scouts of North Dakota for their contributions to the state and their progress in citizenship.

BE IT FURTHER RESOLVED, that this resolution be entered in the Journals of the senate and of the house of representatives.

Filed March 3, 1951.

**S. M. R. "C"**  
(Senate Memorial Resolutions Committee)

**TRIBUTE TO CONGRESSMAN WILLIAM LEMKE AND  
CHARLES R. ROBERTSON, DECEASED**

A memorial resolution in honor of former Congressman William Lemke and Charles R. Robertson.

Since the adjournment of the thirty-first legislative assembly, two of North Dakota's most honored citizens, former Congressmen William Lemke and Charles R. Robertson, have laid down their labors on this earth and passed to eternal rest.

William Lemke was born at Albany, Minnesota, August 13, 1878. He attended public school and the Universities of North Dakota, Georgetown, and Yale, and practiced law at Fargo. He was chairman of the Republican state central committee from 1916 to 1920. In 1921 he served as attorney general of the state. He was elected to the seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-eighth, seventy-ninth, and the eightieth congresses. He died May 30, 1950.

Charles R. Robertson was born September 5, 1887, on a farm near Madison, Wisconsin, and was educated in the public schools of Wisconsin and Parker College. He was a well known business man and operated stores in Valley City, Jamestown, Wahpeton, and Bismarck. In 1940 he was a delegate to the national Republican convention in Philadelphia. He was elected to the congress of the United States in 1940 and again in 1944, and 1949. He died February 18, 1951.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, that we express our heartfelt appreciation of the years of public service to the state of North Dakota by these distinguished citizens and that at this time we pause in our deliberations to pay tribute to their honored memory.

BE IT FURTHER RESOLVED, that this resolution be entered in the Journal of the senate of this legislative assembly as a memorial and that properly executed copies be transmitted by the secretary of state to the surviving families.

Filed February 27, 1951.

**S. M. R. "A"**  
(O'Brien, Morgan and Streibel)

**TRIBUTE TO GOVERNOR WALTER MADDOCK, DECEASED**

WHEREAS, former Governor Walter Maddock, one of North Dakota's honored citizens, passed away in Bismarck Thursday, January 25, 1951; and

WHEREAS, he served in the state legislature from 1914 to 1921; and

WHEREAS, the said Walter Maddock served as lieutenant governor in the session of 1925 and 1927, and as governor to fill out the unexpired term of Governor A. G. Sorlie in 1928; and

WHEREAS, the said Walter Maddock was a candidate for governor in 1928, and has served the federal government more than sixteen years as head of the Farm Security Administration for this region; and

WHEREAS, Mr. Maddock had retired from federal service last December after having reached the age of retirement; and

WHEREAS, the deceased has brought honor to his state in these various capacities and has given so many years to public service;

NOW, THEREFORE, BE IT RESOLVED by the senate of the thirty-second legislative assembly of the state of North Dakota, that we express our heartfelt appreciation of his long years of service to the state of North Dakota, and that we extend our heartfelt sympathy to the surviving members of his family and that the lieutenant governor appoint a committee of the senate to represent this body at the funeral services; and

BE IT FURTHER RESOLVED, that this resolution be entered in the Journal of the senate and that a properly executed copy thereof be sent to his children, Dore Maddock, Hazen, North Dakota; Wallace Maddock, Topeka, Kansas; Bernard Maddock, Grand Forks; Raymond John Maddock, Bismarek, North Dakota, and

Filed January 29, 1951.

H. M. R. "A"

(Committee on Memorial Resolutions)

TRIBUTE TO MEMBERS OF THE HOUSE OF REPRESENTATIVES,  
DECEASED

A memorial resolution for deceased members of the house of representatives of the state of North Dakota.

WHEREAS, we as members of the house of representatives of the thirty-second legislative assembly of the state of North Dakota today mourn the passing to their eternal rest of former members of the house of representatives, and

WHEREAS, since the thirty-first legislative assembly, the following former members have been summoned by God in His infinite wisdom:

D. L. Anderson, who served in the twenty-third legislative assembly from the thirty-sixth district, died April, 1950;

B. D. Arnold, who served in the fifteenth and sixteenth legislative assemblies from the thirty-ninth district, died April, 1950;

William Bauer, who served in the seventeenth legislative assembly from the forty-ninth district and in twenty-eighth legislative assembly from the forty-seventh district, died November 1950;

Clair F. Brickner, who served in the thirtieth and thirty-first legislative assemblies from the ninth district, died January 24, 1950;

A. G. Divet, who served in the thirteenth, fourteenth and fifteenth legislative assemblies from the twelfth district, died January 26, 1950;

Charles W. Drawz, who served in the 1945, 1947 and 1949 legislative assemblies, from the twenty-third district, died December 15, 1949;

George Engel, who served in the twenty-ninth and thirtieth legislative assemblies, from the thirty-fifth district, died August 10, 1950;

William Hartl, who served in the seventeenth legislative assembly from the thirty-third district, died January 6, 1951;

N. O. Huseby, who served in the twenty-fifth legislative assembly, from the seventeenth district, died February 14, 1951;

H. G. Kapfer, who served in the twentieth, twenty-first, twenty-second and twenty-third legislative assemblies, from the thirty-fifth district, died February 12, 1951;

C. B. Kjelgaard, who served in the thirty-first legislative assembly, from the sixteenth district, died June 11, 1950;

Roy Larson, who served in the thirty-first legislative assembly from the twenty-ninth district, died January 3, 1951;

Ben C. Larkin, who served in the sixteenth, seventeenth, eighteenth and nineteenth legislative assemblies from the thirty-second district, died November 21, 1949;

Ed. McIntee, who served in the twenty-fifth, twenty-sixth and twenty-seventh legislative assemblies, from the fortieth district, died May 28, 1950;

Peter Moe, who served in the twenty-sixth to the thirty-first legislative assemblies, inclusive, from the eighteenth district, died April, 1950;

Einar Muus, who served in the eighteenth to the twenty-fourth legislative assemblies, inclusive, of the twenty-ninth district, died December 19, 1949;

J. F. T. O'Connor, who served in the fifteenth and sixteenth legislative assemblies from the seventh district, died September 27, 1949;

C. J. Olson, who served in the sixteenth and the seventeenth legislative assemblies from the thirty-eighth district, who died September 12, 1949;

C. T. Olson, who served in the twenty-third, twenty-fifth, twenty-seventh and twenty-eighth legislative assemblies, from the thirty-ninth district, died February 24, 1950;

August Peterson, who served in the eighth and ninth legislative assemblies from the thirty-third district, died April 19, 1949;

George M. Robinson, who served in the sixteenth legislative assembly from the forty-sixth district, died January 9, 1951;

Thorwald Rustad, who served in the eighteenth legislative assembly, from the twelfth district, died Jun 1, 1950;

C. A. Sagen, who served in the seventeenth, eighteenth and nineteenth legislative assemblies from the twenty-first district, died October 15, 1950;

Oscar J. Sorlie, who served in the tenth, eleventh, twelfth and thirteenth legislative assemblies from the eighth district, died November 11, 1949;

I. W. Standley, who served in the nineteenth, twentieth and twenty-first legislative assemblies from sixteenth legislative district, died August 9, 1949;

Charles Stark, who served in the eighteenth and nineteenth legislative assemblies from the thirty-first district, died June 30, 1949;

C. E. Stone, who served in the twenty-sixth legislative assembly from the twenty-ninth district, died August 4, 1949;

T. H. Thompson, who served in the eighth and ninth legislative assemblies of the eighth district, died November 4, 1949;

F. W. Turner, who served in the thirteenth, fourteenth, fifteenth and sixteenth legislative assemblies, from the thirty-first district, died December 16, 1950;

C. A. Ward, who served in the fifteenth legislative assembly from the twenty-sixth district, died January, 1951;

William Watt, who served in the thirteenth, fourteenth, seventeenth, eighteenth, nineteenth and twentieth legislative assemblies, from the eleventh district, died April, 1950;

George Werner, who served in the nineteenth, twentieth, twenty-first and the twenty-second legislative assemblies from the twelfth district, died April, 1950;

WHEREAS, the contribution of these public spirited citizens to their respective communities and to the state has served to foster and preserve our representative democracy and American way of life;

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the thirty-second legislative assembly of the state of North Dakota, that we pause today in our deliberations to pay tribute to their revered memory, and in behalf of the people of the state of North Dakota 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 their memory, this token of respect and sympathy by their successors in trust be printed in the Journal of the house and that duly enrolled copies of this resolution be presented by the clerk of the house to the surviving families of these deceased representatives.

Filed March 5, 1951.

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S. M. R. "B"

(Senate Memorial Resolutions Committee)

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TRIBUTE TO MEMBERS OF THE SENATE, DECEASED

A memorial resolution for deceased members of the senate of the state of North Dakota.

WHEREAS, since the adjournment of the thirty-first legislative assembly, God in His wisdom has seen fit to summon to eternal rest his servants and our former colleagues:

Louis C. Albrecht, who served in the thirteenth and fourteenth legislative assemblies from the forty-fifth district, died June 13, 1949.

L. R. Baird, a brigadier general in the army of the United States from 1940 to 1943, served in the seventeenth to twentieth legislative assemblies, inclusive, from the thirty-first district, died March 5, 1950.

J. H. Burkhart, who served in the twenty-second and twenty-third legislative assemblies, from the second district, died May 15, 1950.

Porter W. Eddy, who served in the twenty-second legislative assembly, from the thirty-fifth district, died October 20, 1949.

Ole Eftestad, who served in the fifteenth to the twenty-second legislative assemblies, inclusive, from the forty-fifth district, died November 6, 1949.

M. L. McBride, who served in the thirteenth to the sixteenth legislative assemblies, inclusive, from the thirty-first district, died January 16, 1950.

Wesley McDowell, who served in the twelfth and thirteenth legislative assemblies, from the twenty-fourth district, died February 14, 1950.

C. J. Olson, who served in the twenty-fourth legislative assembly, from the thirty-eighth district, died September 12, 1949.

James Turner, who served in the tenth to the thirteenth legislative assemblies, inclusive, from the sixth district, died April 5, 1949, at the age of one hundred and one years.

C. A. Ward, who served in the sixteenth to the nineteenth legislative assemblies, inclusive, from the twenty-sixth district, died in January, 1951, and

William Watt, who served in the twenty-first to the twenty-eighth legislative assemblies, inclusive, from the eleventh district, died April, 1950,

WHEREAS, today, we as members of the senate of the thirty-second legislative assembly of the state of North Dakota pause to mourn the passing of our former colleagues and to honor their memories, and

WHEREAS, these men rendered outstanding service to the people of this state by their contribution to their fellow men and their communities,

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE THIRTY-SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, that we express our keen sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of these, our former colleagues,

BE IT FURTHER RESOLVED, that for the perpetuation of their memory, this token of respect and sympathy by their successors in trust be printed in the Journal of the senate and that duly enrolled copies of this resolution be presented by the secretary of state to the surviving families of these deceased senators.

Filed February 27, 1951.

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S. R. 8  
(Duffy and Reinke)

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EXTENSION OF HUNTING SEASON FOR MIGRATORY  
WATER-FOWL

A resolution requesting an extension of the hunting season for migratory water-fowl.

WHEREAS, migratory water-fowl have greatly increased in number during the past few years, and

WHEREAS, the greater numbers of water-fowl have created an increasingly serious problem for the farmers of this state in that the migratory water-fowl are causing an ever greater amount of damage to grain crops, and

WHEREAS, an extension of the hunting season on such fowl would reduce their numbers,

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, that the federal government be requested to extend the hunting season on migratory water-fowl so that the season will be from one-half hour before sunrise on September

15th to sunset on that day and from one-half hour before sunrise to sunset on each following day until sunset on November 19th.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the North Dakota congressional delegation, to Albert Day, director of the fish and wildlife service, and to Oscar L. Chapman, secretary of the department of interior.

Filed February 27, 1951.

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H. C. R. "F"

(Bubel, Jansonius, Wolf, Beede, Holand, McLellan, H. O. Langseth, Schuler and G. A. Klefstad)

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APPRECIATION TO OFFICERS AND MEN OF NATIONAL GUARD  
AND RESERVE FORCE UNITS IN MILITARY SERVICE

A concurrent resolution to extend to the officers and men recalled to active military duty the appreciation of the house and senate of the thirty-second legislative assembly of the state of North Dakota.

WHEREAS, during the several weeks just past the President and the armed services have seen fit to recall to military service units of the North Dakota national guard and members and units of the reserve forces of the army, navy, and air force, and

WHEREAS, we are proud that North Dakota is able to answer the call upon its men in this present emergency, as it has always done in the past, and

WHEREAS, in every instance our service men have acquitted themselves in a manner that has brought distinction to themselves, their units, and this state,

NOW, THEREFORE, BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, That we extend to the officers and men who have answered the call to active duty our very best wishes and to bid them God speed their happy return, and we wish them to know that we appreciate their patriotism in laying aside their private business and personal affairs to better enable our country to preserve and to defend our democratic ideals and institutions.

Filed February 8, 1951.

H. C. R. "C"  
(Agriculture Committee)

URGING MINIMUM DRAFT OF ESSENTIAL AGRICULTURAL  
LABOR

A concurrent resolution urging that the draft of essential agricultural labor be kept at a minimum and not materially reduce essential agricultural production and the harvest and care of agricultural resources.

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 and livestock ordinarily raised and grown in the state of North Dakota be maintained during the period of the present emergency; and

WHEREAS, to produce and harvest a crop in North Dakota and otherwise to engage in agricultural pursuits to the maximum capacity of the farmers of this state, it is absolutely necessary that adequate help be available on the farms of this state; and

WHEREAS, it now appears to be the policy of selective service to draft and induct into the service of the United States farm boys essential to the operation of the farms of the state of North Dakota and to the production of the maximum amount of crops and the proper harvest and care of our agricultural resources.

*Now, Therefore, Be It Resolved by the House of Representatives of the Thirty-Second Legislative Assembly of the State of North Dakota, the Senate Concurring Therein:*

That we 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 such draft will materially reduce the operation of farm units to maximum capacity; and

BE IT FURTHER RESOLVED, that veterans of World War II who are now actively engaged in farming be given priority over non-veterans in so far as agricultural deferments are concerned.

BE IT FURTHER RESOLVED, that the director of selective service be apprised of the action of the thirty-second 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 13, 1951.

S. C. R. "S"  
(Bilden, Olson, and Stucke)  
(by request)

**SYMPATHY AND SUPPORT FOR MEN IN THE ARMED FORCES**  
A resolution expressing sympathy and support for the men in the armed forces.

*Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:*

WHEREAS, sorrow came to many homes in our state because their sons went forth to war, never to return to their parents.

THEREFORE, be it resolved by the Senate of the state of North Dakota, the House of Representatives concurring therein: That the governor express to them our deepest sympathy; may they, and all of us, like the prophet of old "Set our faces like flint," be determined to prevent aggression, and to stop aggressive wars by nations, be they great or small. And may all men and women of good will, pray to God for peace and justice in all nations. May all people loving freedom, including those nations not yet our allies, but will become when our government aid them, so that they can be our allies against aggression.

That the secretary of the senate be directed to send copies of this resolution to the two senators and congressmen in Washington.

Filed March 6, 1951.

S. R. No. 1  
(Day)

**WITHDRAWAL OF TROOPS FROM KOREA**

A resolution calling upon congress and the President to withdraw our troops from Korea, develop a strong home defense and unify American views on foreign policy.

*Be It Resolved by the Senate of the State of North Dakota:*

That the congress and the President of the United States are respectfully urged to take immediate action for the following purposes:

1. To withdraw all troops and military personnel from Korea;
2. To recognize the principle that no political or military commitment with respect to foreign policy that may involve the lives of Americans is binding upon the people of the United States unless it is first approved by the congress;
3. To strengthen our continental defenses, and prepare for effective action when the safety of our nation is imperiled;

4. To provide leadership on foreign policy in which the people may have the utmost confidence; and
5. To provide the people of the United States with realistic information so that public opinion may crystalize in the form of a unified and unselfish foreign policy that history will applaud;
6. To disassociate ourselves from the Korean policy, a policy which has brought to our youth the tragedies of war without a candid recognition of the existence of a state of war, a policy which has made us the policeman of the United Nations without the United Nations assuming full responsibility for the eventualities of police action, a policy which risks war without first determining whether the objects sought are worth the risk, or a willingness to accept the risk when encountered.

That a copy of this resolution be signed by the president and secretary of the senate and sent to the President of the United States, the secretary of state, and to each congressman and senator from North Dakota.

Filed January 18, 1951.

H. C. R. "V"  
(Fristad, Beede, Wolf and Holand)

#### NATIONAL MONETARY COMMISSION

A concurrent resolution requesting the congress of the United States to create a national monetary commission.

*Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:*

That the congress of the United States be, and it hereby is, requested to provide for the creation of a national monetary commission by the enactment of a joint resolution as follows:

#### JOINT RESOLUTION

To create a national monetary commission.

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

That in order to assist the congress and the federal government in developing a complete and effective program for controlling the excessive money supply and other factors which have helped to bring about and aggravate a serious inflationary situation in this country, and to aid in providing a more stable credit and monetary system, there is hereby created a national monetary commission, hereinafter referred to as the "commission," to be composed of three members of the senate to be appointed by the president of the senate, three

members of the house of representatives to be appointed by the speaker thereof, and three persons to be appointed by the President, one of whom shall be designated at the time of nomination as chairman of the commission. A vacancy occurring in the membership of the commission shall be filled in the same manner as in the case of the original appointment.

§ 2.)

- a. It shall be the duty of the commission to make a thorough and complete investigation and study of the financial policies of the federal government, the public debt, and governmental expenditures, the expansion of money and credit, price controls and purchasing power, and all other factors which, in the opinion of the commission, have a bearing upon or are related to the control or prevention of inflation and the establishment of a sound and stable credit and monetary system.
- b. The commission shall report to the President and to the congress as soon as practicable but not later than..... the results of such investigation and study, together with its recommendations, if any, for necessary remedial legislation.
- c. The commission is authorized to appoint such personnel, without regard to the civil service laws, and to make such expenditures, including expenditures for personal services, without regard to the classification act of 1923, as amended, as may be necessary to carry out its functions under this joint resolution.
- d. For the purposes of this joint resolution, the commission is authorized to request information from any governmental agency, and all such agencies are hereby directed to co-operate with the commission to the fullest practicable extent in supplying such information as the commission may require in carrying out its functions under this joint resolution.

§ 3.) There is hereby authorized to be appropriated, out of any money in the treasury, not otherwise appropriated, the sum of \$....., to carry out the purpose of this joint resolution.

BE IT FURTHER RESOLVED, that the secretary of state be, and he hereby is, directed to send a duly certified copy of this resolution to the presiding officers of the senate of the United States and the house of representatives of the United States and to the North Dakota delegation in congress.

Filed March 6, 1951.

**H. C. R. "M"**  
(Bubel Holand, Jansonius and Leet)

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**MOTOR-USER TAX DIVERSION; INCREASED FEDERAL  
MATCHING RATIO**

A concurrent resolution memorializing congress to amend the Federal Highway Act so as to prohibit the diversion of revenue received from federal motor-user taxes, and to provide for an increased federal matching ratio so that all such revenue be returned to the states and used for road development.

WHEREAS, in 1934, congress, in effect, said that, since it is unfair to tax the user of the highways unless the revenue from such tax be used for road improvements, any state that diverts highway motor-user taxes will be penalized under the federal highway act, and

WHEREAS, in order to comply with the requirements of such federal highway act, North Dakota adopted, as part of its constitution, Article 56, which required that revenue from gasoline and other motor fuel excise and license taxation, after deduction of cost of administration and collection authorized by legislative appropriation only, and statutory refunds, shall be appropriated and used solely for construction, reconstruction, repair and maintenance of public highways, and payments of obligations incurred in the construction, reconstruction, repair and maintenance of public highways, and

WHEREAS, other states have, in similar manner or by statute, prohibited the diversion of highway motor-user taxes to other than road improvement uses, and

WHEREAS, the federal government itself now diverts about two-thirds of the income which it receives from motor-user excise taxes, having in 1949 returned to the states only about four hundred million dollars out of 1.3 billion dollars it so received, this according to an interview with Thomas H. MacDonald, U. S. commission of public roads, in the December 29, 1950 issue of the United States News and World Report, and

WHEREAS, because of increased governmental costs, many states are unable to raise sufficient funds with which to match federal funds allowed for highway construction, even though some states are and have been allotted additional matching aid, by reason of the inability of other states to match their allotments, and

WHEREAS, it appears the states are and have been unable, on a fifty-fifty matching basis, to raise sufficient funds to use more than a third of the federal tax collected from motor users, so that two-thirds of the revenue received from this federal motor-user tax is being and has been diverted by the federal government

to other uses than road improvement, this directly contrary to the requirements imposed by congress upon the states by the federal highway act, and

WHEREAS, there is increasingly imperative need for additional highway construction and reconstruction to bring even a small percentage of highways up to standards required by present day traffic, and to insure their military use in time of national emergency, and

WHEREAS, much desperately needed additional highway construction and reconstruction could be made, if the two-thirds of the federal motor-user taxes, now being diverted to other uses, could be used for the purpose for which they were intended and for which congress has required that similar funds in the states be used,

*Now, Therefore, Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:*

That the thirty-second legislative assembly of the state of North Dakota respectfully petitions the congress of the United States to so amend the federal highway act, and such other acts as may be necessary, as to prohibit the diverting of federal motor-user taxes to any other purpose than that of road development, and to provide for an increased ratio of federal funds compared with the state funds, so that all federal motor-user taxes be used for the development of roads, that, instead of matching state funds, raised for such purpose, dollar for dollar, the federal government match state funds on the basis of three dollars to one dollar.

BE IT FURTHER RESOLVED, that a duly attested copy of this concurrent resolution be sent by the secretary of state to the secretary of the senate of the United States, the clerk of the house of representatives of the United States, to the senators and representatives in congress from the state of North Dakota, to the secretary of the interior, to the United States commissioner of public roads, and to the secretary of the senate and to the clerk of the house of representatives of all other state legislative assemblies now in session.

Filed March 6, 1951.

## S. C. R. "G"

(Coghlan, Nordhougen, Kamrath, Nelson and Kusler)

## EQUALIZATION OF COST OF ASSISTANCE TO NEEDY INDIANS

A concurrent resolution to memorialize congress to equalize the burden of the cost of assistance to needy Indians.

WHEREAS, the welfare and rehabilitation of the Indians is an acknowledged federal responsibility; and

WHEREAS, in order to qualify for federal grants-in-aid, the state of North Dakota and the counties thereof are required to include Indians in provisions made for aid to needy children, aged, blind, and disabled; and

WHEREAS, the county share of the cost of such aid is derived from tax revenues that are severely restricted because of the tax-exempt status of Indian property; and

WHEREAS, the proportion of needy Indians is much higher than is the case in the population as a whole; and

WHEREAS, in New Mexico and Arizona the federal government pays substantially the full cost of aid to Indians under the federal aid programs, thus recognizing the principle of equalization of unfair burdens placed on states and localities by reason of the location of Indian reservations and the concentration of the Indian population therein; now, therefore;

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that the congress of the United States be respectfully and earnestly memorialized to assume the state and county share of the cost of all aid given under the social security programs to Indians living on reservations in this state; and that copies of this resolution be mailed by the secretary of state to the secretary of the interior, the members of the congressional delegation from North Dakota, and the President of the United States.

Filed March 6, 1951.

## H. C. R. "T"

(Bourgois, Nygaard, Fleck and Johnson)

## CONSTRUCTION AT PENITENTIARY

A concurrent resolution authorizing construction at the state penitentiary in accordance with the provisions of chapter 93 of the 1947 Session Laws.

WHEREAS, the appropriation made by the thirtieth legislative assembly for construction at the state penitentiary, chapter 93, 1947 Session Laws, authorizes the expenditure of \$200,000.00 subject to the approval of the state budget board, and

WHEREAS, such appropriation was made permanent by chapter 332 of the 1947 Session Laws as amended by chapter 321 of the

1949 Session Laws, section 54-27092 of the 1949 Supplement, and

WHEREAS, approximately \$197,000.00 of such appropriation has not been expended and remains available for construction at the state penitentiary.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, that the board of administration, with the approval of the state budget board, is hereby authorized to expend not to exceed \$150,000 for the construction of a new kitchen at the state penitentiary and for the remodeling of the present kitchen into a dining hall and for the remodeling of the second and third floors of the building housing the present kitchen and dining hall and not to exceed \$25,000.00 for the equipment of said kitchen and dining hall, such expenditures to be charged to the appropriation and the fund established in accordance with the provisions of chapter 93 of the 1947 Session Laws for construction at the state penitentiary.

Filed March 6, 1951.

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H. R. No. 7  
(Johnson and Beede)

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INVESTIGATION OF PUBLIC UTILITIES RELATIVE TO  
SALES DISCRIMINATION

A resolution requesting the public service commission to investigate complaints of discrimination on the part of utility companies in the sale of appliances, and for the enforcement of laws prohibiting such discrimination when found to exist.

*Be It Resolved by the House of Representatives of the State of North Dakota:*

WHEREAS, in the consideration of House Bill No. 751, complaints have been presented to members of the house of representatives by dealers selling electrical and gas appliances and by patrons of electric light and gas companies (hereinafter referred to as utility companies), particularly in the Bismarck-Mandan and Slope areas, indicating that the complainants believe that utility companies, who also sell electric and gas appliances, have unfairly, unjustly and unreasonably withheld or threatened to withhold electric and gas service for appliances sold by dealers other than utility companies; and indicating that such complainants are themselves convinced that utility companies have discriminated against other dealers in the sale of appliances by giving preference in the furnishing of electric and gas service to purchasers who bought appliances from utility companies; and

WHEREAS, the laws of the state of North Dakota give the public service commission of the state of North Dakota sufficient

and full authority to prevent such discrimination, some of such laws, in part, being as follows:

“49-0201. General Jurisdiction of the Public Service Commission Over Public Utilities. The general jurisdiction of the commission shall extend to and include:

“4. Electric light companies for the purpose of generating and distributing light, heat or power;

“5. Gas companies for the manufacture or distribution of gas, natural or artificial.”

“49-0402. Public Utility to Provide Adequate Service. Every public utility shall furnish, provide, and maintain such service . . . as shall promote the safety, health, comfort, and convenience of its patrons, employees, and the public, and as shall be in all respects adequate, convenient, just, and reasonable, and without any unjust discrimination or preference.”

“49-0407. Unreasonable Preferences or Advantages Prohibited. No public utility shall make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation . . . in any respect whatsoever, nor subject any particular person, firm, corporation, company . . . to any undue or unreasonable prejudice or disadvantage in any respect . . . ” and,

WHEREAS, the law provides, in section 49-0501, that any person or corporation may make complaint to the commission by petition or complaint in writing, setting forth any fact or thing done or omitted to be done by any public utility in violation or claimed violating of any provision of law or any order or rule of the commission: and,

WHEREAS, the law further provides (All sections herein quoted or referred to are in the North Dakota Revised Code of 1943):

“49-0701. Violation by Public Utility of Commission Order or Rule; Penalty. Any public utility which violates or fails to comply with any provision of this title, or which fails, omits, or neglects to obey, observe, or comply with any order, decision, decree, rule, direction, demand, or requirement of the commission, or any part or provision thereof, in a case in which no other penalty has been provided, shall be punished by a fine of not less than five hundred dollars nor more than two thousand dollars for each and every offense.”

“49-0702. Each Violation a Separate Offense. Every violation of any provision of this title or of any order, decision, decree, rule, direction, demand, or requirement of the commission, or any part or portion thereof, by any corporation or person, is a separate and distinct offense, and in case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.”

“49-0703. Act of Officer or Agent That of Principal. In construing and enforcing the provisions of this title relating to

penalties, the act, omission or failure of any officer, agent, or employee of any public utility acting within the scope of his official duties or employment, in every case shall be deemed to be the act, omission, or failure of such public utility."

"49-0704. Personal Liability of Officer, Agent, or Employee; Penalty. Every officer, agent, or employee of any public utility who:

1. Violates, fails to comply with, or aids or abets any violating by any public utility of any provision of this title;
2. Fails to obey, observe, or comply with any order, decision, rule, direction, demand, or requirement of the commission or any part or provision thereof; or,
3. Procures, aids, or abets any public utility in its failure to obey, observe and comply with any order, decision, rule, direction, demand, or requirement, or any part or provision thereof,

in a case in which no other penalty has been provided, is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment." and,

WHEREAS, the law further provided:

"49-0510. Improper Action Taken by Utility; Damage; Who May Sue; Recovery. In case any public utility shall do, cause to be done, or permit to be done, any act, matter, or thing prohibited, forbidden, or declared to be unlawful, or shall omit to do any act, matter, or thing required to be done, either by the constitution, any law of this state, or any order or decision of the commission, such public utility shall be liable to the person or corporation affected thereby for all loss, damages, or injury caused thereby or resulting therefrom. If the court shall find that the act or omission was willful, the court, in addition to the actual damages, shall award damages for the sake of example and by way of punishment. An action to recover for such loss, damage, or injury may be brought in any court of competent jurisdiction by any corporation or person. No recovery under this section in any manner shall affect a recovery by the state of the penalties provided in this title or the exercise by the commission of its power to punish by contempt.

*Be It Resolved by the House of Representatives of the Thirty-Second Legislative Assembly of the State of North Dakota:*

That we request the public service commission of the state of North Dakota to investigate thoroughly and immediately any complaints, that may have been or may be presented it by any dealer in electric or gas appliances or by any patron of an utility company, regarding the withholding of service, or threatening to withhold service, or unreasonable delay in furnishing service for electric or gas appliances purchased by its patrons from

dealers other than utility companies, and regarding any preference given by utility companies in furnishing service to patrons for appliances purchased from utility companies, to the discrimination of patrons who buy appliances from other dealers; and

BE IT FURTHER RESOLVED, that, if warranted by the facts determined by such investigation, proceedings be instituted immediately by the commission to enforce the laws above quoted against discrimination and preference on the part of public utilities, and that, if necessary, the penalties provided by law be imposed for the violation thereof; and,

BE IT FURTHER RESOLVED, that the public service commission, by means of press releases, bulletins, or otherwise, give wide publicity of the right which any person or corporation possesses, under the law, to make complaint to it of any violation of the law regarding the unjust discrimination or preference on the part of public utilities in the sale and servicing of electric and gas appliances.

Filed March 3, 1951.

H. C. R. "U"

(Maher, Beede, Holand, Jansonius and Fleck)

#### MONUMENT FOR GRAVE OF SITTING BULL

A concurrent resolution memorializing the secretary of the interior of the United States to have erected a suitable monument at the grave of Sitting Bull.

WHEREAS, the grave of Sitting Bull, chief of the Hunkpapa Sioux, at Fort Yates, North Dakota, has remained shamefully neglected these many years,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, that we hereby respectfully request the secretary of the interior of the United States to immediately take the necessary action to provide a suitable marker for the grave of Sitting Bull, and

BE IT FURTHER RESOLVED, that the secretary of state of North Dakota is hereby respectfully directed to transmit a copy of this resolution to each of the following:

Honorable Oscar L. Chapman, Secretary of the Interior of the United States, Senator Milton R. Young, Senator William Langer, Congressman Fred G. Aandahl, and Congressman Usher L. Burdick, all of Washington, D. C.

Filed March 6, 1951.

H. C. R. "N"  
(Committee on Agriculture)

STABILIZED PREMIUM ON PROTEIN CONTENT OF  
HARD SPRING WHEAT

A concurrent resolution to memorialize congress and the secretary of agriculture of the United States to establish a stabilized premium on the protein content of hard spring wheat.

WHEREAS, North Dakota is one of the major producers of hard spring wheat in the nation, and

WHEREAS, hard spring wheat has a high protein content entitling such wheat to a premium price, and

WHEREAS, such premium is highest in the fall immediately after harvest and is gradually dropped in the following months in direct proportion to the general rise in the price of wheat, and

WHEREAS, there is no loss of protein which would justify the dropping of the premium price on such protein, and

WHEREAS, North Dakota farmers are being discriminated against by such practices and are losing the benefit of the high protein content of their wheat.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN, that we do hereby memorialize and petition the congress and the secretary of agriculture of the United States to establish a loan value on the protein content of hard spring wheat. When protein content and the price thereof are established they shall remain stable for the current year, in order that the farmers of North Dakota may enjoy a stabilized premium to which are entitled;

BE IT FURTHER RESOLVED, that copies of this resolution properly authenticated, be transmitted by the secretary of state to the presiding officer of each house of congress, to the secretary of agriculture of the United States, and to the members of the North Dakota delegation in congress.

Filed February 23, 1951.

S. C. R. "P"  
(Bridston, O'Brien and Stucke)

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REALIZATION OF ST. LAWRENCE SEAWAY PROJECT

A concurrent resolution memorializing the congress of the United States  
to provide for the realization of the St. Lawrence Seaway project.

WHEREAS, the recent Washington conference on the St. Lawrence Seaway project indicates an increased interest and a recognition of the importance of such project to the national defense, and

WHEREAS, the construction and completion of the St. Lawrence Seaway project would enable salt water shipping to reach the harbor of Duluth, Minnesota, in the heart of the continent, and

WHEREAS, the development of such a seaway would have a salutary effect on the welfare of business and agriculture industry in the midwestern area, making transportation facilities available that would create a wider distribution of agricultural and manufactured commodities at a lower freight cost, and

WHEREAS, the Dominion of Canada, having need of the electric power that will result, as well as transportation, has indicated that the development of the project will be undertaken, and it is imperative that this nation share in the construction, development and control, and

WHEREAS, in the interests of national and hemisphere defense and the development of the great inland midwestern area such project is desirable and feasible.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-SECOND LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that the congress of the United States is hereby memorialized and petitioned to take necessary steps to foster and promote such legislation as to bring to a realization the St. Lawrence Seaway.

BE IT FURTHER RESOLVED, that copies of this resolution, duly authenticated, be forwarded by the secretary of state to the President of the United States, the secretary of commerce, the secretary of the interior, the secretary of agriculture, and to the North Dakota delegation in the congress of the United States.

Filed March 6, 1951.

H. C. R. "L"  
(Yirchott)

SUPPORT AND STRENGTHENING OF THE UNITED NATIONS

A concurrent resolution memorializing the congress of the United States to support and strengthen the United Nations.

WHEREAS, the United Nations organization was formed in 1945 "to save succeeding generations from the scourge of war"; and

WHEREAS, there are at this time no enforceable world laws restraining the rulers of nations from building armaments for the purpose of military conquest and domination of other peoples; and

WHEREAS, the United States government was formed to secure for our people the right of freedom from foreign domination; and

WHEREAS, all the major wars in which we have taken part have been fought for the maintenance of this principle both for ourselves and for other peoples; and

WHEREAS, it was for the maintenance of this same right that the forces of the United Nations were sent in to Korea; and

WHEREAS, it is self-evident that without sacrificing our freedom and our way of life this nation cannot continue indefinitely to bear the principal burden of upholding this right against highly armed nations; and

WHEREAS, it is self-evident that this right can only be secured to all people, including our own through a world organization endowed with sufficient power to prevent aggression.

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the state of North Dakota, the senate concurring therein;

That the congress of the United States be and is hereby memorialized and petitioned to affirm American leadership in permanently securing this right for all people by proclaiming that it shall henceforth be a fundamental objective of the foreign policy of the United States to support and strengthen the United Nations and to make it so strong and sound in structure with powers limited but adequate to preserve peace and prevent aggression that all nations will forsake the means of war and the right to wage it for the larger right of just and equal protection under world law; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the secretary of state, to the vice-president as the presiding officer of the United States senate, to the speaker of the house of representatives and to each of our senators and representatives in congress.

Filed March 3, 1951.

**S. C. R. "O"**  
(Strand, Nelson, Kusler, Freed and Solberg)

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**DESIGNATION OF U. S. 85 AS PART OF NATIONAL INTERSTATE  
HIGHWAY SYSTEM**

A concurrent resolution urging that United States Highway No. 85 be designated as a part of the national system of interstate highways and as a part of the strategic network of traffic routes of military importance.

WHEREAS, highway construction in the present emergency must be concentrated on projects where deficiencies are most serious from the standpoint of national defense, and

WHEREAS, the national system of interstate highways was established as a network of roads of special importance to both peacetime and defense needs, and

WHEREAS, United States Highway No. 85, the Pan American Central Highway, originating at Lake LaRonge, Canada, and running to the border of Guatemala, constitutes a vital line in hemisphere defense, connecting the uranium fields of Canada and the Alcan Highway of the north with the important atomic developments in New Mexico, and

WHEREAS, in addition to the military significance of Highway 85 and its importance as a connecting link of three nations, it traverses during much of its length an area of four hundred miles in width in which there is not another adequate north and south highway.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-SECOND LEGISLATIVE ASSEMBLY, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that the designation of United States Highway 85 as a part of the national system of interstate highways and as a part of the strategic network of principal traffic routes of military importance is hereby urged and recommended;

BE IT FURTHER RESOLVED, that a copy of this resolution properly authenticated be forwarded by the secretary of state to the commissioner of public roads and to the North Dakota delegation in congress.

Filed March 6, 1951.

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