

LAWS

PASSED AT

The Thirty-fourth Session

OF THE

Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

**BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON TUESDAY, JANUARY FOURTH, 1955, AND
CONCLUDING FRIDAY, MARCH FOURTH, 1955**

Published under Legislative Authority

by

THE LEGISLATIVE RESEARCH COMMITTEE

Bismarck, North Dakota

AUTHENTICATION

STATE OF NORTH DAKOTA

Department of State, Bismarck

I, Ben Meier, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies, except clerical errors, of the laws and resolutions passed at the Thirty-fourth Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 4, 1955, and terminating Friday, March 4, 1955, also of the constitutional amendments and initiated measures submitted at the primary election held June 29, 1954, and the general election held November 2, 1954.

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, 1955.

(Seal)

BEN MEIER,
Secretary of State

We, William J. Daner, Statutory Revisor, and C. Emerson Murry, Research Director of the Legislative Research Committee, hereby certify that we have prepared the contents of this volume and that the laws and resolutions contained herein are true and correct copies of the original laws and resolutions on file in the office of the Secretary of State in the Capitol Building at Bismarck, North Dakota, clerical errors excepted.

WILLIAM J. DANER
C. EMERSON MURRY

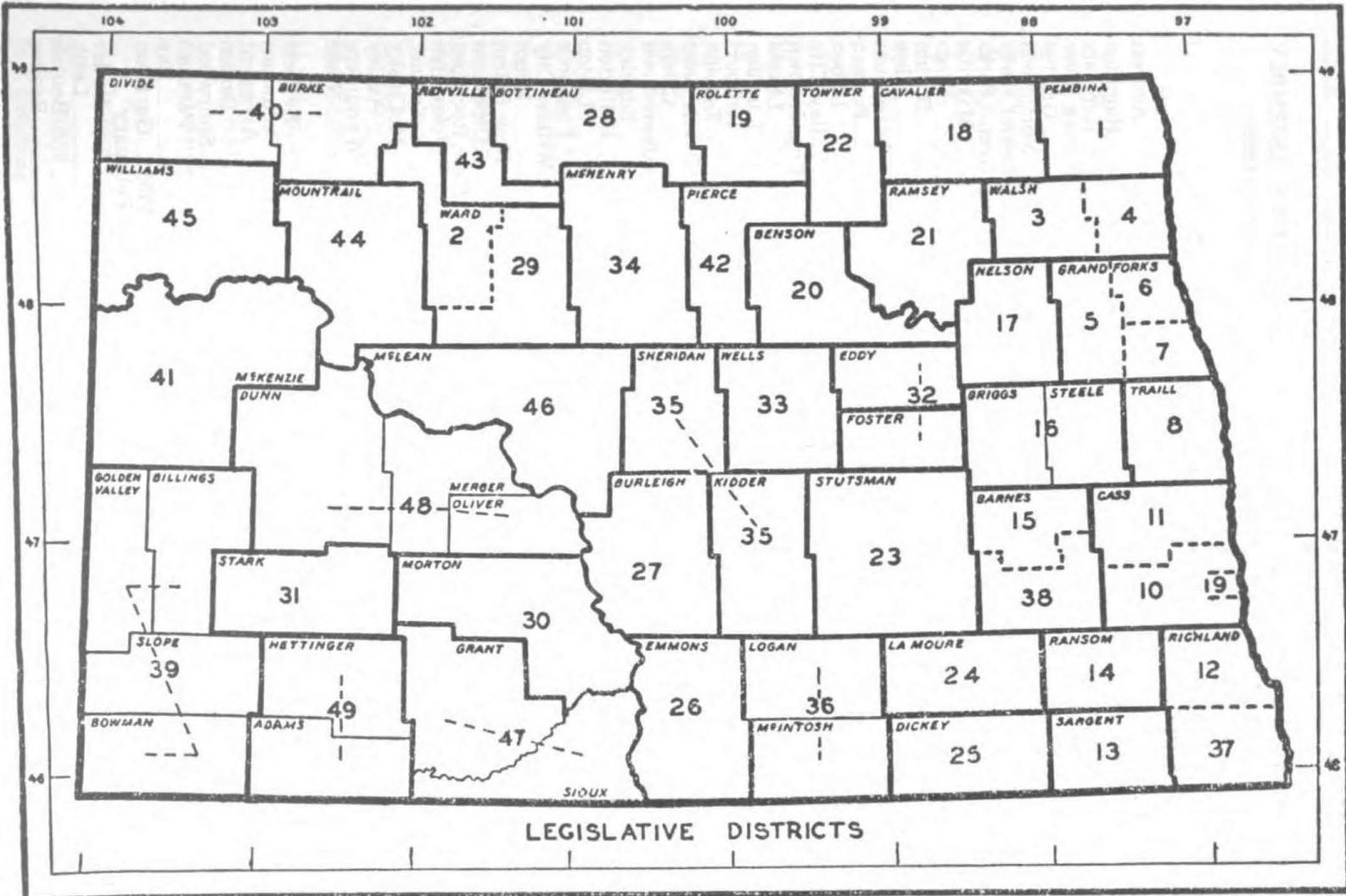
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State of North Dakota

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NORTH DAKOTA



LEGISLATIVE DISTRICTS

MEMBERS OF THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY
State of North Dakota, January 4, to March 4, 1955

SENATE

President—Lt. Gov. C. P. Dahl, Cooperstown, N. D.
Secretary—Edward Leno, Tuttle, N. D.

Dist.	County	Name	Address
* 1.	Pembina	Franklin Page	Hamilton
2.	Pt. Ward	Glenn R. Dolan	Kenmare
* 3.	Pt. Walsh	Mrs. Harry O'Brien	Park River
4.	Pt. Walsh	Clyde Kieley	Grafton
* 5.	Pt. Grand Forks	Oliver E. 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	Arthur C. Johnson	Fargo
10.	Pt. Cass	John E. Yunker	Durbin
* 11.	Pt. Cass	Harry W. Wadeson	Alice
12.	Pt. Richland	A. W. Luick	Fairmount
* 13.	Sargent	Gilman A. Klefstad	Forman
14.	Ransom	Donald C. Holand	Lisbon
* 15.	Pt. Barnes	P. L. Foss	Valley City
16.	Griggs, Steele	L. A. Sayer	Cooperstown
* 17.	Nelson	Arlie I. Ferry	Lakota
18.	Cavalier	O. S. Johnson	Langdon
* 19.	Rolette	Philip A. Berube	Belcourt
20.	Benson	John Leier	Esmond
* 21.	Ramsey	Clyde Duffy	Devils Lake
22.	Towner	H. B. Baeverstad	Cando
* 23.	Stutsman	R. E. Meidinger	Jamestown
24.	LaMoure	Emil T. Nelson	Edgeley
* 25.	Dickey	Clarence Welander	Fullerton
26.	Emmons	Steve Thomas	Linton
* 27.	Burleigh	Milton Rue	Bismarck
28.	Bottineau	Duncan Fraser	Willow City
* 29.	Pt. Ward	Ernest C. Livingston	Minot
30.	Morton	Richard E. Wolf	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	John Davis	McClusky
36.	McIntosh, Logan	Gail H. Hernett	Ashley
* 37.	Pt. Richland	Nick Schmit, Jr.	Wyndmere
38.	Pt. Barnes	Selmer Gilbertson	Nome
* 39.	Billings, Bowman, Golden Valley, Slope	Gust Wog	Belfield
40.	Burke, Divide	Ralph Dewing	Columbus
* 41.	McKenzie	Orville W. Hagen	Arnegard
42.	Pierce	Eugene Tuff	Barton
* 43.	Renville	Reinhart Krenz	Sherwood
44.	Mountrail	Axel Olson	Parshall
* 45.	Williams	Iver Solberg	Ray
46.	McLean	E.C. Stucke (Died Jan. 12, 1955) Walter R. Fiedler (Seated February 25, 1955)	Garrison Ryder
* 47.	Grant, Sioux	William Kamrath	Leith
48.	Mercer, Oliver, Dunn	John Kusler	Beulah
* 49.	Lavern Schoeder		Reeder

*Hold-over senators

HOUSE OF REPRESENTATIVES

Speaker—K. A. Fitch, Fargo, N. D.

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

Dist.	County	Name	Address
1.	Pembina	A. J. Christopher	Pembina
		F. M. Einarson	Mountain
		John Sommer	Cavalier
2.	Pt. Ward	Walter Dahlund	Kenmare
3.	Pt. Walsh	Isaac Isakson	Edinburg
		George R. Berntson	Edinburg
4.	Pt. Walsh	Ralph H. Adamsen	Grafton
5.	Pt. Grand Forks	Howard Bye	Gilby
6.	Pt. Grand Forks	George Saumur	Grand Forks
7.	Pt. Grand Forks	Targie Trydahl	Thompson
8.	Traill	Oscar J. Sorlie	Buxton
		Elmer Strand	Portland
		Harvey G. Wambheim	Hatton
9.	Pt. Cass	E. E. Simonson	Fargo
		Jacque Stockman	Fargo
		Murray A. Baldwin	Fargo
		Lee F. Brooks	Fargo
		K. A. Fitch	Fargo
10.	Pt. Cass	A. J. Anderson	Rte. 2, Fargo
		Carl G. Simenson	Kindred
11.	Pt. Cass	Ogden E. Rose	Ayr
		Arthur E. Laske	Leonard
12.	Pt. Richland	Vernon Anderson	Dwight
		Walter Fleenor	Wahpeton
13.	Sargent	Iner E. Brekke	Milnor
		Chas. O. Dewey	Forman
14.	Ransom	Lawrence Dick	Englevale
		Hjalmer C. Nygaard	Enderlin
15.	Pt. Barnes	John T. Heimes	Valley City
16.	Griggs, Steele	Frank E. Kloster	Sharon
		Thomas L. Snortland	Sharon
		Gillman C. Olson	Cooperstown
17.	Nelson	Guy A. Engen	McVille
		Alex Miller	Michigan
18.	Cavalier	Carl G. Tollefson	Osnabrock
		Dan Power	Langdon
		Harry G. Renfrow	Calvin
19.	Rolette	Orin Dunlop	Rolla
		Oscar Solberg	Mylo
20.	Benson	C. H. Hofstrand	Leeds
21.	Ramsey	James O. Fine	Sheyenne
		Nels Overbo	Hampden
22.	Towner	Raymond Lee	Devils Lake
		Louis Leet	Webster
		Jack M. Currie	Cando
23.	Stutsman	Harry H. Heller	Calvin
		T. W. Hoffer	Streeter
24.	LaMoure	Clifford Lindberg	Jamestown
		Ralph Scott	Spiritwood
		Adolph Spitzer	Kensal
25.	Dickey	Milo Knudsen	Edgeley
		Fred E. Rickford	LaMoure
26.	Emmons	Ed N. Davis	Monango
		L. C. Mueller	Oakes
		Adam Gefreh	Linton
		E. A. Tough	Strasburg

Dist.	County	Name	Address
27.	Burleigh	Fay Brown	Bismarck
		Guy F. Larson	Bismarck
		Harry A. Thompson	Bismarck
28.	Bottineau	Oliver Magnuson	Souris
		Jerrold P. Erickson	Eckman
		Martin E. Vinje	Bottineau
29.	Pt. Ward	C. W. Baker	Minot
		Bert A. Balerud	Minot
		Brynhild Haugland	Minot
		Stanley Saugstad	Minot
30.	Morton	Carl Knudson	Almont
		Matt M. Schmidt	Flasher
31.	Stark	C. G. (Gus) Fristad	Mandan
		George Gress	Dickinson
		Albert Schmalenberger	Hebron
32.	Eddy, Foster	Leo Sticka	New England
		Kenneth L. Anderson	New Rockford
		A. C. Langseth	Carrington
33.	Wells	R. H. Hornbacher	Harvey
		Gordon Paulson	Harvey
34.	McHenry	Floyd Ettestad	Drake
		George Hammer	Velva
		Bencer Kjos	Drake
35.	Kidder, Sheridan	Harry W. George	Steele
		Gottlieb Frank	Kief
36.	McIntosh, Logan	Ben J. Wolf	Zeeland
		Eldon L. Goebel	Lehr
		T. E. Schuler	Streeter
37.	Pt. Richland	H. A. Petterson	Lidgerwood
		Willard Strege	Lidgerwood
38.	Pt. Barnes	Arthur C. Sortland	Litchville
39.	Billings, Bowman, Golden Valley, Slope	Albert Homelvig	Amidon
		Leland Roen	Bowman
		Roy M. Snow	Beach
40.	Burke, Divide	Ivan Erickson	Crosby
		Gunnar Gagnum	Bowbells
		R. H. Lynch	Fortuna
41.	McKenzie	Halvor Rolfsrud	Watford City
		Arthur A. Link	Alexander
42.	Pierce	Andrew Benson	Barton
		Joe Gumeringer	Esmond
43.	Renville	Ray J. McLain	Mohall
44.	Mountrail	J. N. Mollet	Powers Lake
		T. O. Rohde	New Town
45.	Williams	Lloyd Bjella	Epping
		Lloyd Esterby	Appam
		Clarence Poling	Grenora
46.	McLean	Denver Rosberg	Washburn
		Richard J. Thompson	Underwood
		Harold Ziegler	Emmet
47.	Grant, Sioux	Ralph Beede	Elgin
		Joseph Wicks	Ft. Yates
48.	Mercer, Oliver, Dunn	Ernest R. Hafner	Beulah
		Walter Kitzmann	Hannover
		Fred Mahlmann	Manning
49.	Adams, Hettinger	I. E. Bratcher	Mott
		Elmer Hegge	New England

TABLE OF CONTENTS

I. Session Laws

	Pages
Appropriations	1-86
Miscellaneous	1-7
Schools	7-13
State Departments, Boards, etc.	13-60
State Institutions	61-82
Transfers	82-86
Parts of Other Acts	see index
General Provisions	87-92
Aeronautics	93
Agriculture	94-103
Alcoholic Beverages	104-110
Banks and Banking	111-119
Corporations	120-128
Counties	129-149
Crimes and Punishments	150-156
Domestic Relations and Persons	157-161
Education	162-205
Elections	206-213
Fires	214-216
Foods, Drugs, Oils and Compounds	217-221
Game, Fish and Predators	222-229
Governmental Finance	230-234
Health and Safety	235-242
Highways, Bridges and Ferries	243-250
Insane, Feebleminded, Tubercular, Blind and Deaf	251-259
Insurance	260-269
Judicial Branch of Government	270-277
Judicial Procedure, Civil	278-281
Judicial Procedure, Criminal	282-283
Judicial Procedure, Probate	284-286
Judicial Proof	287-289
Liens	290-302
Livestock	303-311
Military	312-314
Mining, Gas and Oil Production	315-318
Motor Vehicles	319-400
Municipal Government	401-457
Occupations and Professions	458-467
Offices and Officers	468-469
Printing Laws	470-471
Property	472-474
Public Buildings	475-480
Public Utilities	481
Public Welfare	482-483
Sales and Exchange	484-492
Social Security	493-513
State Government	514-521
Taxation	522-572
Townships	573-575
Trusts, Uses and Powers	576
Warehousing and Deposits	577-578
Waters	579-614
Weeds	615-622
Weights, Measures and Grades	623-625
Workmen's Compensation	626-636

	Pages
II. Measures; Constitutional Amendments	
Initiated Measure, Approved	637
Constitutional Amendment, Approved	638
Constitutional Amendments, Proposed	639-645
Constitutional Amendment, Disapproved	646
Initiated Measures, Disapproved	646
III. Resolutions	
Senate Concurrent Resolutions	647-663
House Concurrent Resolutions	664-699
Senate Resolutions	700-708
House Resolutions	709-721
Senate Memorial Resolution	722-723
House Memorial Resolutions	724-727
IV. Indexes; Tables	
Index to Senate Bills	729
Index to House Bills	731
Table of Amendments and Repeals	733
General Index	743

APPROPRIATIONS

CHAPTER 1

H. B. No. 515

(Committee on Appropriations)

BURIAL AND RELEASE OF INSTITUTIONAL INMATES

AN ACT

Making an appropriation for inquest and burial of penal inmates, and action to release insane.

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, and action to release insane patients, for the biennium beginning July 1, 1955 and ending June 30, 1957, provided that any charges against the above appropriation must have the approval of the state auditor and the state auditing board.

Approved February 1, 1955.

CHAPTER 2

H. B. No. 514

(Committee on Appropriations)

COUNTY FAIRS, BOYS' AND GIRLS' CLUB WORK

AN ACT

Making an appropriation for the payment of the premiums for boys' and girls' club work at county achievement fairs; and providing the manner of disbursement for 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 January 28, 1955.

CHAPTER 3

H. B. No. 521

(Committee on Appropriations)

NORTH DAKOTA FIREMEN'S ASSOCIATION

AN ACT

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

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

§ 1. Appropriation.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$4,500.00 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, 1955 and ending June 30, 1957.

Approved February 23, 1955.

CHAPTER 4

H. B. No. 513

(Committee on Appropriations)

FUGITIVES FROM JUSTICE, ARREST AND RETURN

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, 1955 and ending June 30, 1957.

Approved February 24, 1955.

CHAPTER 5

S. B. No. 72

(Leier and Duffy)

LAW ENFORCEMENT, EXTRAORDINARY EXPENSES

AN ACT

Making an appropriation to meet extraordinary expenses of law enforcement arising by reason of federal agencies, correcting a clerical error in chapter 8, section 1, 1953 Session Laws 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 out of any moneys in the state treasury the sum of sixteen thousand thirty-four dollars and twenty-five cents, said sum being the unexpended balance of that certain appropriation found in section 1 of chapter 6 of the North Dakota Session Laws of 1951, which said sum is hereby appropriated for the purpose of meeting extraordinary expenses of law enforcement arising

by reason of federal agencies, and to provide moneys intended and approved for appropriation by the Thirty-third Legislative Assembly of this state but not included in chapter 8, section 1 of the 1953 Session Laws of North Dakota through clerical error.

§ 2. Application.) 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 such agencies in or adjacent to said county.

§ 3. Approval.) 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 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.

§ 4. Term of Appropriation.) This Act shall remain in effect only until June 30, 1955, and any balance remaining of this appropriation after June 30, 1955 shall revert to the general fund.

§ 5. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1955.

CHAPTER 6

H. B. No. 523

(Committee on Appropriations)

NATIONAL CONVENTION DELEGATES

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,

the sum of \$6,000.00 to pay the expenses of delegates to national political conventions in accordance with the provisions of section 16-17181 of the 1953 Supplement to the North Dakota Revised Code of 1943, in the amount audited by the state auditing board.

Approved February 26, 1955.

CHAPTER 7

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

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 January 28, 1955.

CHAPTER 8

H. B. No. 509
(Committee on Appropriations)

REFUNDS, MISCELLANEOUS

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 \$25,000.00 for the biennium beginning July 1, 1955 and ending June 30, 1957, 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 28, 1955.

CHAPTER 9

S. B. No. 241
(Luick)

REFUND TO RICHLAND COUNTY

AN ACT

Making an appropriation for the purpose of refunding to Richland County amounts erroneously paid to the state of North Dakota by such county for state general property taxes with its October, 1954 report of state taxes collected.

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 of the state treasury, not otherwise appropriated, the sum of four thousand eight hundred fifty-nine dollars and one cent, or so much as may be necessary for the purpose of reimbursing and refunding to Richland County the sum erroneously paid by Richland County for state general property taxes with the October, 1954 report by Richland County of state taxes collected. The sum herein appropriated shall be disbursed to Richland County upon warrant of the state auditor upon the effective date of this Act, provided that an audit of the books and accounts of Richland County by the state examiner shows that this amount or a lesser amount was paid in error.

Approved March 9, 1955.

CHAPTER 10

H. B. No. 591
(Snortland, Kloster and Olson)

REFUND TO STEELE COUNTY

AN ACT

Making an appropriation for the purpose of refunding to Steele County amounts erroneously paid by such county for the care of a patient at the state hospital.

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 welfare fund of the state treasury, not otherwise appropriated, the sum of ten thousand three hundred ninety-six dollars and twenty-five cents for the purpose of reimbursing and refunding to Steele County the sum of money erroneously paid by Steele County for the care of one Hans A. Madson who was erroneously classified as a resident of Steele County for payments for institutional care at the state hospital. The sum herein appropriated shall be disbursed to Steele County upon warrant of the state auditor upon the effective date of this Act.

Approved March 10, 1955.

CHAPTER 11

S. B. No. 15
(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, the administrative expenses and the teaching preparation scholarships of the teacher preparation scholarship plan, and two agricultural schools on the basis of enrollment.

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 following sums for the following purposes, for the biennium beginning July 1, 1955 to June 30, 1957, to-wit:

State Equalization Fund—Administration and State Aid	
Salary, director and clerkhire.....	\$ 30,000.00
Postage, supplies, printing, furniture and fixtures	5,000.00
Travel expense	1,000.00
Emergency	1,024,000.00
Resident, non-resident and out-of-state high school tuition	6,280,000.00
Resident elementary aid	4,700,000.00
Resident high school aid	2,500,000.00
Teacher Preparation Scholarships	
Administration	5,000.00
Scholarships	190,800.00
Agricultural and Training Schools	
Benson County—Maddock	17,500.00
Walsh County—Park River	25,000.00
Total	\$14,778,300.00

Approved March 9, 1955.

CHAPTER 12

S. B. No. 30

(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 \$225,000.00, 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, 1955 and ending June 30, 1957.

Approved March 9, 1955.

CHAPTER 13

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

SCHOOL CONSTRUCTION ADMINISTRATION

AN ACT

Making an appropriation for the administrative expenses of the state school construction fund and state school construction 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 equalization fund in the state treasury, not otherwise appropriated, the sum of \$22,340.00, or so much thereof as may be necessary to pay the administrative expenses of the state school construction fund and state school construction board as provided for in chapter 15-60 of the 1953 Supplement to the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1955 and ending June 30, 1957.

Approved March 1, 1955.

CHAPTER 14

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

SCHOOL DISTRICT REORGANIZATION BOARD

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 \$7,200.00, 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 15-53 of the 1953 Supplement to the North Dakota Revised

Code of 1943, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

State and county committees.....	\$4,500.00
Clerkhire	2,200.00
Miscellaneous	500.00
Total	<u>\$7,200.00</u>

§ 2. **Reversion.**) Any moneys heretofore appropriated to the board of school district reorganization, not expended by July 1, 1955, shall revert to the state equalization fund.

Approved March 1, 1955.

CHAPTER 15

S. B. No. 18

(Committee on Appropriations)

SPECIAL EDUCATION OF EXCEPTIONAL CHILDREN

AN ACT

Making an appropriation for the use of special education of exceptional children.

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 equalization fund in the state treasury, the sum of \$264,000.00 for the special education of exceptional children under the sole supervision of the superintendent of public instruction, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Salary of director	\$ 14,000.00
Clerkhire and all other general operating expenses	250,000.00
Total	<u>\$264,000.00</u>

Approved March 9, 1955.

CHAPTER 16

H. B. No. 533
 (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 \$55,000.00 for the purpose of operating and maintaining the teachers' insurance and retirement fund, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Salary, executive director	\$ 9,000.00
Clerkhire	25,000.00
Postage, supplies, printing, furniture and fixtures	7,500.00
Miscellaneous	1,500.00
Travel expense	2,500.00
Audit	2,000.00
Actuary	3,000.00
Rent and maintenance	4,000.00
Old age and survivor insurance system— social security	500.00
Total	\$55,000.00

Approved February 28, 1955.

CHAPTER 17

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

 VOCATIONAL EDUCATION

AN ACT

Making an appropriation for vocational agriculture, vocational home economics, occupational information and guidance, business education, and trade and industrial education.

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 equalization fund in the state treasury, not otherwise appropriated, the sum of \$256,000.00, or so much thereof as may be necessary for vocational agriculture, vocational home economics, occupational information and guidance, business education, and trade and industrial education, as provided for in section 15-4003 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Vocational agriculture	\$ 95,000.00
Vocational home economics	110,000.00
Occupational information and guidance.....	20,000.00
Business education	15,000.00
Trade and industrial education	16,000.00
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Total	\$256,000.00

Approved March 1, 1955.

CHAPTER 18

S. B. No. 23
(Committee on Appropriations)

VOCATIONAL REHABILITATION AND EDUCATION

AN ACT

Making appropriations for the divisions of vocational rehabilitation and vocational education and declaring an emergency.

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

§ 1. Appropriations.) There is hereby appropriated out of the state equalization fund in the state treasury, the sum of \$231,000.00 or so much thereof as may be necessary for the vocational rehabilitation of disabled persons, to be matched with federal funds; and the sum of \$1,500.00 or so much thereof as is necessary for vocational education of which \$225,000.00 will be available for the biennium beginning July 1, 1955 and ending June 30, 1957, and \$6,000.00 shall be available immediately upon passage.

§ 2. Emergency.) This Act is declared to be an emergency measure and shall be in full force and effect upon its passage and approval.

Approved March 1, 1955.

CHAPTER 19

H. B. No. 502
(Committee on Appropriations)

STATE COMMISSION ON ALCOHOLISM

AN ACT

Making an appropriation for the purpose of carrying out the provisions of chapter 54-38 of the 1953 Supplement to 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 \$25,000.00, or so much thereof as may be necessary

for the purpose of carrying out the provisions of chapter 54-38 of the 1953 Supplement of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1955, and ending June 30, 1957.

Approved March 10, 1955.

CHAPTER 20

S. B. No. 13

(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 \$110,150.00, 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, 1955 and ending June 30, 1957, to-wit:

Clerkhire and inspectors	\$ 72,000.00
Postage, supplies, printing, furniture and fixtures	4,500.00
Travel expense	26,000.00
Miscellaneous	1,500.00
Hearing expense	5,000.00
Old age and survivor insurance— social security	1,000.00
Refunds	150.00
Total	\$110,150.00

Approved March 9, 1955.

CHAPTER 21

S. B. No. 12
(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 \$142,500.00, 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, 1955 and ending June 30, 1957, to-wit:

Clerkhire	\$ 96,000.00
Postage, supplies, printing, furniture and fixtures	15,000.00
Miscellaneous	2,000.00
Emergency	10,000.00
Travel expense	18,000.00
Old age and survivor insurance system— social security	1,500.00
Total	\$142,500.00

Approved March 9, 1955.

CHAPTER 22

S. B. No. 29

(Committee on Appropriations)

STATE BONDING FUND

AN ACT

Making an appropriation for the purpose of operating and maintaining the state bonding fund.

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

§ 1. Appropriation.) There is hereby appropriated out of the moneys in the state bonding fund in the state treasury, the sum of \$22,430.00, 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, 1955 and ending June 30, 1957, to-wit:

Salaries	\$12,000.00
Postage, supplies, printing, furniture and fixtures	4,000.00
Miscellaneous	500.00
Investigations and travel.....	3,000.00
Emergency	500.00
Assistant attorney general's salary.....	1,680.00
Old age and survivor insurance system— social security	250.00
Examination fee	500.00
 Total	 \$22,430.00

Approved March 1, 1955.

CHAPTER 23

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, 1955, and ending June 30, 1957, to-wit:

§ 3. Appropriations.)

Subdivision 1.

Executive Office

Salary, governor	\$ 18,000.00
Clerkhire:	
Secretary and other employees.....	23,130.00
Postage, supplies, printing, furniture and fixtures	2,500.00
Miscellaneous	1,800.00
Travel expense	3,000.00

Governor's contingent	5,000.00
Council of state governments.....	4,000.00
Old age and survivor insurance system— social security	270.00
Total	<u>\$ 57,700.00</u>

Subdivision 2.

Lieutenant Governor

Salary, lieutenant governor	\$ 2,000.00
Total	<u>\$ 2,000.00</u>

Subdivision 3.

Supreme Court

Salary, five judges of supreme court.....	\$100,000.00
Clerk of supreme court.....	9,000.00
Deputy clerk	7,200.00
Judges' stenographer - secretaries	34,200.00
Miscellaneous	800.00
Postage, supplies, printing, furniture and fixtures	3,500.00
Travel expense	1,000.00
Old age and survivor insurance system— social security	1,200.00
Retirement, supreme court judges.....	14,000.00
Total	<u>\$170,900.00</u>

Subdivision 4.

Supreme Court Reporter and Law Librarian

Salary	\$ 8,000.00
Postage, supplies, printing, furniture and fixtures	1,500.00
Miscellaneous	600.00
Purchase of books, periodicals, etc.	7,500.00
Deficit appropriation to be made available immediately on passage	4,000.00
Total	<u>\$ 21,600.00</u>

Subdivision 5.

Judges of District Courts

Salary, 16 judges	\$256,000.00
Expenses	20,000.00
Retirement of district judges.....	48,000.00
Old age and survivor insurance system— social security	90.00
Total	\$324,090.00

Subdivision 6.

Secretary of State

Salary, secretary of state	\$ 10,000.00
Salary, deputy	9,600.00
Clerkhire	32,400.00
Postage, supplies, printing, furniture and fixtures	14,500.00
Legislative assistance	1,000.00
Miscellaneous	1,000.00
Travel expense	800.00
Old age and survivor insurance system— social security	1,180.00
Total	\$ 70,480.00

Subdivision 6a.

Secretary of State—Public Printing

Legal notices	\$ 1,200.00
1955 session laws	11,000.00
Tabulation, abstracts, etc.	1,200.00
Postage, publicity pamphlet	7,000.00
Binding public documents	3,400.00
Publicity pamphlet, printing	17,000.00
Total	\$ 40,800.00

Subdivision 7.

State Auditor

Salary, state auditor	\$ 10,000.00
Salary, deputy	9,600.00
Clerkhire	60,000.00
Postage, supplies, printing, furniture and fixtures	6,000.00

Travel expense	2,000.00
Miscellaneous	1,300.00
Supplies for departments and counties	1,200.00
Oleomargarine stamps	8,000.00
New machines	3,800.00
Old age and survivor insurance system— social security	1,100.00
Total	\$103,000.00

Subdivision 8.

State Treasurer

Salary, state treasurer	\$ 10,000.00
Salary, deputy	9,600.00
Clerkhire	48,500.00
Postage, supplies, printing, furniture and fixtures	5,000.00
Miscellaneous	2,200.00
Bond premium	2,000.00
Travel expense	600.00
Old age and survivor insurance system— social security	800.00
Total	\$ 78,700.00

Subdivision 8a.

State Treasurer—Liquor Control

Clerkhire	\$ 18,800.00
Postage, supplies, printing, furniture and fixtures	1,000.00
Miscellaneous	600.00
Travel expense	2,000.00
Liquor stamps	16,000.00
Old age and survivor insurance system— social security	180.00
Total	\$ 38,580.00

Subdivision 9.

Commissioner of Insurance

Salary, commissioner	\$ 10,000.00
Salary, deputy	9,600.00
Clerkhire	52,800.00
Postage, supplies, printing, furniture and fixtures	16,000.00

Miscellaneous	2,000.00
Investigation of unauthorized companies.....	1,500.00
Travel expense	5,000.00
Domestic examiners	12,000.00
Convention examiners	30,000.00
Old age and survivor insurance system— social security	800.00
IBM installation and supplies	1,000.00
Total	\$140,700.00

Subdivision 9a.

State Fire Marshal
(Commissioner of Insurance)

Salary, deputy fire marshals	\$ 16,000.00
Clerkhire	8,000.00
Postage, supplies, printing, furniture and fixtures	4,600.00
Miscellaneous	1,200.00
Travel expense	8,000.00
Fees to fire chiefs	900.00
Arson hearing fund	2,500.00
Old age and survivor insurance system— social security	450.00
Total	\$ 41,650.00

Subdivision 10.

Attorney General

Salary, attorney general	\$ 15,000.00
Salary, assistant attorneys general.....	124,500.00
Clerkhire	24,240.00
Postage, supplies, printing, furniture and fixtures	6,000.00
Miscellaneous	2,400.00
Travel expense	6,500.00
Library	2,000.00
Miscellaneous court cases	7,500.00
Old age and survivor insurance system— social security	2,000.00
Total	\$190,140.00

Subdivision 11.

Department of Public Instruction

Salary, superintendent	\$ 10,800.00
Clerkhire	120,880.00
Travel expense	10,500.00
Postage, supplies, printing, furniture, fixtures and freight	40,000.00
Courses of study and bulletin no. 5.....	14,000.00
High school and eighth grade examination....	15,000.00
Teachers insurance and retirement matching	1,400.00
Teachers meetings	1,500.00
Miscellaneous	3,600.00
Old age and survivor insurance system— social security	1,200.00
Total	\$218,880.00

Subdivision 12.

Department of Agriculture and Labor

Salary, commissioner	\$ 10,000.00
Salary, deputy (labor)	9,600.00
Salary, deputy (dairy)	9,600.00
Clerkhire	107,470.00
Postage, supplies, printing, furniture and fixtures	53,350.00
Miscellaneous	4,000.00
Travel expense	40,000.00
Hearings	1,000.00
Auto exchange	1,200.00
Old age and survivor insurance system— social security	1,882.00
(Predatory Animal and Rodent Control)	
Predatory animal and rodent control.....	\$ 73,680.00
Stem rust control, nursery inspection, and quarantine enforcement	12,000.00
Total	\$323,782.00

**Department of Agriculture and Labor
(Athletic Commission)**

Salary, secretary	\$ 1,200.00
Commission expense	500.00
Total	\$ 1,700.00

Subdivision 13.

Public Service Commission

Salary, commissioners (3)	\$ 30,000.00
Clerkhire	208,000.00
Postage, supplies, printing, furniture and fixtures	13,100.00
Miscellaneous	6,000.00
Travel expense, car exchange.....	41,000.00
Workmen's compensation	520.00
Handling interstate commerce commission cases and cases before federal power com- mission and federal communications com- mission and national association of railroad and utilities commissioners	18,800.00
Research data	750.00
Old age and survivor insurance system— social security	2,875.00
(Department of Weights and Measures)	
Salary, chief inspector	\$ 9,000.00
License plates, seals, etc.	3,500.00
Field testing equipment	4,000.00
Refunds	125.00
Trucks and maintenance	14,000.00
Total	\$351,670.00

Subdivision 13a.

**Public Service Commission
(Utility Valuation)**

Services and expense	\$ 25,000.00
Total	\$ 25,000.00

Subdivision 14.

Aeronautics Commission

Salary, director	\$ 10,000.00
Commissioners' per diem and clerkhire.....	20,200.00
Travel expense	\$ 6,500.00
Supplies, postage and sign fixtures.....	4,000.00
Fixed charges, maintenance and miscellaneous	7,500.00
Old age survivor and insurance system— social security	350.00
Total	\$ 48,550.00

Subdivision 15.

Land Commissioner

Salary, commissioner	\$ 10,800.00
Clerkhire	78,638.00
Postage, supplies, printing, furniture and fixtures	7,500.00
Miscellaneous	800.00
Travel expense	15,000.00
Leasing	2,500.00
Premium on bonds	500.00
Surveying	500.00
Fieldmen's salary	21,600.00
Old age and survivor insurance system— social security	1,362.00
Total	\$139,200.00

Subdivision 16.

Tax Commissioner

Salary, tax commissioner	\$ 12,000.00
Salary, deputy	10,000.00
Clerkhire—includes office force, deputies and field auditors	380,000.00
Postage, supplies, printing, furniture and fixtures	120,000.00
Miscellaneous	10,000.00
Travel expense—field auditors	70,000.00
Revenue stamps	27,000.00
Travel expense—department general.....	2,000.00
Old age and survivor insurance system— social security	7,000.00
Total	\$638,000.00

Subdivision 17.

Board of Administration

Salary, chairman and members.....	\$ 36,000.00
Other employees	300,000.00
Capitol maintenance	140,700.00
Postage, supplies, printing, furniture and fixtures	6,600.00
Postage due	900.00
Improvements and repairs	26,900.00
Miscellaneous	12,000.00
Travel expense	6,000.00
Equipment, yard	1,500.00
Special assessment	12,755.10
Snow removal equipment	4,500.00

Storm sewer, curb and gutter, fill sloughs, parking area extension, blacktop road to Roosevelt cabin	50,000.00
Repairing capitol plaza	100,000.00
Site planning for capitol grounds.....	2,500.00
Lights for legislative chambers	10,000.00
Radio broadcasting	78,000.00
Old age and survivor insurance system— social security	7,500.00
Total	\$795,855.10

Subdivision 18.

State Seed Department

Seed analyst	\$ 10,000.00
Assistant seed analysts	20,000.00
Travel expense	1,000.00
Postage, supplies, printing, furniture and fixtures	4,000.00
Miscellaneous	500.00
Total	\$ 35,500.00

Subdivision 19.

State Industrial Commission

Clerkhire	\$ 840.00
Postage, supplies and printing.....	250.00
Miscellaneous	100.00
Contribution to interstate oil compact commission	800.00
Total	\$ 1,990.00

Subdivision 20.

State Library Commission

Salary, director	\$ 9,000.00
Clerkhire	55,000.00
Postage, supplies, printing, furniture and fixtures	6,500.00
Miscellaneous	1,000.00
Travel expense	2,000.00
Aid to libraries	500.00
Books, binding and repair.....	15,000.00
Old age and survivor insurance system— social security	1,000.00
Total	\$ 90,000.00

Subdivision 21.

State Printer

Salary—state printer	\$ 9,600.00
Clerkhire	5,000.00
Postage, supplies, printing, furniture and fixtures	800.00
Travel expense	300.00
Miscellaneous	185.00
Old age and survivor insurance system— social security	219.12
Total	\$ 16,104.12

Subdivision 22.

Adjutant General

Salary, adjutant general	\$ 10,000.00
Salary, assistant adjutant general	9,600.00
Clerkhire	18,700.00
Postage, supplies, printing, furniture and fixtures	2,000.00
Miscellaneous	400.00
Travel expense	400.00
Total	\$ 41,100.00

Subdivision 22a.

National Guard

Maintenance of the national guard.....	\$188,891.00
Total	\$188,891.00

Subdivision 23.

Legislative Research Committee

Committee operation and research.....	\$ 50,000.00
Statutory revision	20,700.00
Total	\$ 70,700.00

Subdivision 24.

35th Legislative Assembly

Mileage and per diem, members.....	\$ 60,000.00
Per diem, employees	60,000.00
Printing	60,000.00
Miscellaneous	12,000.00
Expense, members	97,200.00
Janitor service and engineering.....	3,750.00
Total	\$292,950.00

Subdivision 25.

Pardon Board

Salary, secretary	\$ 600.00
Salary, members and expense	750.00
Investigations	1,000.00
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Total	\$ 2,350.00

Subdivision 26.

State Budget Board

Per diem and other expenses.....	\$ 4,000.00
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Total	\$ 4,000.00

Subdivision 27.

State Budget Director

Salary, budget director and clerkhire.....	\$ 20,000.00
Travel and maintenance expense.....	3,000.00
Postage, supplies, printing, furniture and fixtures	2,400.00
Miscellaneous	500.00
Technical assistance	4,100.00
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Total	\$ 30,000.00

Subdivision 28.

Reward for Apprehension of Criminals

Reward for apprehension of criminals.....	\$ 1,000.00
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Total	\$ 1,000.00

Subdivision 29.

State Examiner

Salary, state examiner	\$ 10,000.00
Clerkhire	171,500.00
Postage, supplies, printing, furniture and fixtures	5,000.00
Miscellaneous	1,800.00
Travel expense	56,000.00
State banking board	500.00
State credit union board	500.00
Old age and survivor insurance system— social security	1,500.00
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Total	\$246,800.00

Subdivision 29a.

State Securities Commission

Salary, commissioner	\$ 4,800.00
Clerkhire	3,000.00
Postage, supplies, printing, furniture and fixtures	1,200.00
Miscellaneous	500.00
Travel expense	750.00
Investigations	250.00
Total	\$ 10,500.00

Subdivision 29b.

**State Securities Commission
(Oil and Gas Broker Act)**

Oil and gas broker Act	\$ 500.00
Total	\$ 500.00

Subdivision 30.

State Board of Higher Education

Salary, commissioner	\$ 18,000.00
Employees	18,000.00
Postage, supplies, printing, furniture and fixtures	2,100.00
Miscellaneous	1,255.00
Travel expense	2,500.00
Members, per diem	6,500.00
Members, travel	6,500.00
Total	\$ 54,855.00
Grand Total	\$4,910,217.22

§ 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 designated to be made available immediately on passage.

Approved March 17, 1955.

CHAPTER 24

S. B. No. 195
(Committee on Appropriations)

CIVIL DEFENSE

AN ACT

For an appropriation to continue the operation of North Dakota civil defense as provided for by chapter 37-17 of the 1953 Supplement to the North Dakota Revised Code of 1943 and repealing section 37-1712 of the 1953 Supplement to 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 general fund of the state treasury the sum of twenty thousand dollars to carry out the provisions of chapter 37-17 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the operation of the civil defense for North Dakota.

§ 2. Repeal.) Section 37-1712 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 2, 1955.

CHAPTER 25

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

STATE EXAMINER—CLOSED BANK FUND

AN ACT

Making an appropriation to carry out the provisions of chapter 6-07 of the 1953 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 1953 Supplement to the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1955 and ending June 30, 1957.

Approved March 1, 1955.

CHAPTER 26

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

COAL MINE INSPECTOR

AN ACT

Making an appropriation for the purpose of paying salary, clerkhire and general expenses of the department of coal mine inspector and coal mine safety work.

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

§ 1. **Appropriation.**) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$23,525.00, 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, as amended by section 38-0304, 38-0314, 38-0404 and 38-0405 of the 1953 Supplement to the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Salary, inspector	\$ 9,600.00
Clerkhire	5,400.00
Postage, supplies, printing, furniture and fixtures	1,500.00
Miscellaneous	500.00
Travel and auto expense	4,000.00
Examining board	225.00
Auditing board	300.00
Coal mine safety fund—services	1,000.00
Coal mine safety fund—expenses	1,000.00
Total	\$23,525.00

Approved February 28, 1955.

CHAPTER 27

H. B. No. 507

(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 of the 1953 Supplement to the North Dakota Revised Code of 1943 and 54-1602 to 54-1604, inclusive, and 54-1606, and also section 54-1609 of the North Dakota Revised Code of 1943, and for civil defense.

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 of the 1953 Supplement to the North Dakota Revised Code of 1943 and 54-1602 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, 1955 and ending June 30, 1957.

Approved February 26, 1955.

CHAPTER 28

S. B. No. 28

(Committee on Appropriations)

STATE FIRE AND TORNADO FUND

AN ACT

Making an appropriation for the purpose of operating and maintaining the state fire and tornado fund,

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

§ 1. Appropriation.) There is hereby appropriated out of the moneys in the state fire and tornado fund in the state

treasury, the sum of \$91,580.00, 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, 1955 and ending June 30, 1957, to-wit:

Salaries	\$25,900.00
Postage, supplies, printing, furniture and fixtures	4,500.00
Miscellaneous	4,500.00
Risk inspection and travel	15,000.00
Premium refunds—fire	4,000.00
Premium refunds—extended coverage	1,000.00
Adjusting expense	34,000.00
Assistant attorney general's salary	1,680.00
Old age and survivor insurance system— social security	500.00
Examination fee	500.00
Total	\$91,580.00

Approved March 1, 1955.

CHAPTER 29

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 \$810,716.00, 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, 1955 and ending June 30, 1957, to-wit:

Administration:

1. Salary, commissioner	\$ 10,000.00
2. Salary, deputy commissioner	9,600.00
3. Administrative assistant	9,500.00

4. Clerkhire	22,660.00
5. Travel	8,000.00
6. General and audit	35,000.00
Game management: (federal matching)	134,000.00
Enforcement:	
1. Salaries	170,800.00
2. Travel	104,556.00
3. General	10,000.00
Fish management:	
1. Salaries	48,400.00
2. Travel	20,000.00
3. General	28,000.00
4. Dingell-Johnson matching	28,000.00
Land management:	
1. Salaries	16,800.00
2. Travel	4,000.00
3. General	6,000.00
Public relations:	
1. Salaries	35,000.00
2. Travel	10,000.00
3. General	35,000.00
Dam construction	25,000.00
Emergency	40,000.00
License refunds	400.00
Total	\$810,716.00

Approved March 10, 1955.

CHAPTER 30

H. B. No. 520

(Committee on Appropriations)

STATE GEOLOGICAL SURVEY

AN ACT

Making an appropriation for salaries and expenses of the state geological survey and for cooperation of the 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 \$269,700.00 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, 1955 and ending June 30, 1957, to-wit:

Salaries	\$165,000.00
Clerkhire	32,300.00
Postage, supplies, printing, furniture and fixtures	30,000.00
Miscellaneous	3,000.00
Travel expense	21,500.00
Replacement cars	6,000.00
Apparatus	9,500.00
Office rent	2,400.00
 Total	 \$269,700.00

Approved March 10, 1955.

CHAPTER 31

S. B. No. 27

(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 \$404,200.00, 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, 1955 and ending June 30, 1957, to-wit:

Salary—manager	\$ 10,200.00
Clerkhire	90,000.00
Salary—inspectors and adjusters	40,000.00
Travel—inspectors and adjusters	45,000.00
Travel—office	8,000.00
Postage, supplies, printing, furniture and fixtures	20,000.00
Listing fees	70,000.00
Annual audit	7,000.00

Advertising	5,000.00
Legal publication	100.00
Miscellaneous	4,000.00
Emergency	100,000.00
Old age and survivor insurance system— social security	2,500.00
Assistant attorney general's salary	2,400.00
 Total	<u>\$404,200.00</u>

Approved March 1, 1955.

CHAPTER 32

H. B. No. 614

(Schuler, Schmalenberger, Rohde, Mollet and Lynch)

STATE HAIL INSURANCE DEPARTMENT—DEFICIENCY

AN ACT

Making an appropriation for the purpose of paying a deficiency in the operating fund of the state hail insurance department for the period beginning January 1, 1955, and ending June 30, 1955, and declaring an emergency.

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

§ 1. **Appropriation.**) There is hereby appropriated out of the state hail insurance department fund in the state treasury the sum of \$18,500.00, or so much thereof as may be necessary for the purpose of paying a deficiency in the operating fund of the state hail insurance department for the period beginning January 1, 1955, and ending June 30, 1955, as follows:

Clerkhire	\$14,000.00
Salary—inspectors and adjusters	2,500.00
Travel—inspectors and adjusters.....	1,000.00
Postage, supplies, printing, furniture and fixtures	1,000.00
 Total	<u>\$18,500.00</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.

Approved February 26, 1955.

CHAPTER 33

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

PUBLIC HEALTH DEPARTMENT

AN ACT

Making an appropriation for the operating and maintenance expenses of the public health department, 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 \$387,200.00, 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, 1955 and ending June 30, 1957, to-wit:

Salary, state health officer	\$ 20,000.00
Salary, other personnel	215,000.00
Postage, supplies, printing, furniture and fixtures	33,000.00
Travel expense	20,000.00
Merit system	5,000.00
Biologicals	20,000.00
Old age and survivor insurance system— social security	5,000.00
Generator and trailer repair.....	4,700.00
New X-ray unit	4,500.00
Administration Salk vaccine program (to be made available immediately on passage).....	10,000.00
Operation of two units	35,000.00
Oral hygiene	15,000.00
Total	\$387,200.00

§ 2. **Emergency.**) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval on such items as are designated to be made available immediately on passage.

Approved March 9, 1955.

CHAPTER 34

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 vehicle 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, 1955 and ending June 30, 1957, to-wit:

Salary, state highway commissioner to be fixed by the governor, not exceeding.....	\$ 20,000.00
General operating expense	180,000.00
Total	\$200,000.00

§ 2. Additional Appropriation for Administration Expenses.) In addition to the amount hereinbefore appropriated, there is hereby appropriated out of the highway construction 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 3, 1955.

CHAPTER 35

S. B. No. 68
(Wog and Day)

HIGHWAY DEPARTMENT—LITTLE BEAVER BRIDGE

AN ACT

Making an appropriation for the purpose of constructing a highway bridge across the Little Beaver creek in Slope county at the city of Marmarth, 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 highway construction fund in the state treasury not otherwise appropriated, the sum of forty thousand dollars, or so much thereof as may be necessary for the construction of a highway bridge across the Little Beaver Creek in Slope county at the city of Marmarth, North Dakota; and the state highway commissioner and his officers and engineers are hereby authorized and directed to proceed with the preparation of plans and specifications and to take such other action as may be necessary in the construction and completion of said bridge.

Approved March 9, 1955.

CHAPTER 36

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

STATE HIGHWAY PATROL

AN ACT

Making an appropriation out of 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 any moneys in the state treasury, not otherwise appropriated, the sum of \$857,000.00 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, 1955 and ending June 30, 1957, to-wit:

Salary, superintendent	\$ 11,000.00
Salary, assistant superintendent	10,000.00
Salary, patrolmen, not to exceed 49 patrolmen during the biennium	411,200.00
Clerks, bookkeepers and IBM	25,000.00
Postage, supplies, printing, furniture and fixtures	18,000.00
Miscellaneous	15,000.00
Travel expense	87,800.00
New equipment	20,400.00
Training school and first aid	3,000.00
Educational program	3,000.00
Car operation, maintenance and replacement	226,300.00
Audit	3,500.00
Old age and survivor insurance and retirement fund system—social security	22,500.00
Refunds	300.00
Total	\$857,000.00

Approved March 12, 1955.

CHAPTER 37

H. B. No. 504
(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 \$139,300.00 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, 1955 and ending June 30, 1957, to-wit:

State Historical Society

Salary, superintendent	\$ 9,600.00
Clerkhire	35,000.00
Postage, supplies, printing, furniture and fixtures	7,000.00
Miscellaneous	1,000.00
Travel expense	1,200.00
Museum purchases and preparation of exhibits	2,000.00
Books, periodicals and binding.....	1,800.00
Old age and survivor insurance system— social security	700.00
Historical and archeological field work.....	5,000.00
Microfilm equipment	2,000.00
Total	\$ 65,300.00

State Parks Committee

Technical and clerical services.....	2,000.00
Office supplies	300.00
Miscellaneous	700.00
Travel expense	1,200.00
Maintenance and operation of North Dakota parks	40,000.00
International peace garden	10,000.00
Development and maintenance of historic sites	8,000.00

Whitestone Hill state park.....	1,800.00
Purchase of park maintenance equipment.....	7,000.00
Camp Hancock historic site	3,000.00
Total	<u>\$ 74,000.00</u>
Grand Total	<u>\$139,300.00</u>

Approved February 26, 1955.

CHAPTER 38

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 54-36 of the 1953 Supplement to 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 \$25,000.00 or so much thereof as may be necessary for the purpose of carrying out the provisions of chapter 54-36 of the 1953 Supplement to the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1955 and ending June 30, 1957. Expenditures shall be made upon voucher signed by the secretary of the commission.

Approved February 28, 1955.

CHAPTER 39

H. B. No. 516
(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 \$462,800.00 or so much thereof as may be necessary to pay salaries, operation, maintenance, general and miscellaneous expenses for the state laboratories department, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Salary, director	\$ 10,000.00
Salary, food commissioner and chemist.....	14,000.00
Clerkhire	300,000.00
Postage, supplies, printing, furniture and fixtures, dray and express	57,000.00
Miscellaneous	8,000.00
Travel expense	50,000.00
Samples	2,000.00
Rent	7,200.00
Telephone and telegraph	2,500.00
Ice, gas, electricity	2,500.00 ..
Library	1,300.00
Workmen's compensation	500.00
Cost of auditing	2,500.00
Refunds	500.00
Old age and survivor insurance system— social security	4,800.00
Total	\$462,800.00

Approved March 7, 1955.

CHAPTER 40

H. B. No. 854
 (Delayed Bills Committee)
 (at the Request of the)
 (Appropriations Committee)

LEGISLATIVE ASSEMBLY, EMPLOYEES ADDITIONAL PER DIEM

AN ACT

Making an additional appropriation for the per diem employees of the Thirty-fourth 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 \$10,000.00, in addition to the amount already appropriated, for the per diem employees fund of the Thirty-fourth Legislative Assembly, to-wit:

Per diem employees	\$10,000.00
Total	\$10,000.00

§ 2. **Emergency.**) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 23, 1955.

CHAPTER 41

H. B. No. 860
(Delayed Bills Committee)

LEGISLATIVE RESEARCH COMMITTEE AND OASIS

AN ACT

Making an appropriation jointly to the North Dakota legislative research committee and the North Dakota OASIS for the purpose of making an actuarial study of the North Dakota OASIS and maintaining the necessary expenses connected therewith.

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

§ 1.) There is hereby appropriated out of the old age and survivors insurance trust fund the sum of fifteen thousand dollars, or so much thereof as may be necessary, jointly to the legislative research committee and the North Dakota OASIS for making an actuarial study of the North Dakota OASIS and for paying the necessary clerical expenditures thereof.

§ 2.) The actuarial study shall be conducted in such manner so as to make available definite information on the following subjects:

- A. Determine the present monetary liability to covered employees;
- B. The amount of money needed per year to meet liabilities and obligations under the state OASIS plan;
- C. To determine what rates are required to maintain the fund in a solvent condition;
- D. To determine the amount of moneys required to meet all obligations under both vested and potential rights of covered employees;
- E. To study and recommend whether there should be legislation integrating the present state OASIS plan with the federal social security plan;
- F. To determine the various classes of obligations, the extent of liability thereto, and the methods of caring for these obligations in case of dissolution of the OASIS;
- G. To generally study and analyze the present North Dakota old age survivors insurance system to determine those other factors which in the opinion and discretion of the legislative research committee and the North Dakota OASIS seem reasonable and necessary.

§ 3.) The actuarial study is to be completed and the results thereof are to be made available to the legislative research committee prior to the 1957 Legislative Assembly.

Approved March 10, 1955.

CHAPTER 42

H. B. No. 554
(Legislative Research Committee)

LEGISLATIVE RESEARCH COMMITTEE
(STATUTORY REVISION)

AN ACT

Making an appropriation to the legislative research committee for carrying on statutory revision and preparing the session laws during the last five months of the biennium ending June 30, 1955, and declaring an emergency.

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

§ 1. Appropriation.) There is hereby appropriated to the legislative research committee out of any moneys in the state treasury not otherwise appropriated the sum of two thousand one hundred twenty-five dollars, or so much thereof as may be necessary for the purpose of carrying on statutory revision and preparing the session laws during the last five months of the biennium ending June 30, 1955.

§ 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 24, 1955.

CHAPTER 43

H. B. No. 503
(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 any moneys in the state treasury, not otherwise appropriated, the sum of \$391,500.00, or so much thereof as may be 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, 1955 and ending June 30, 1957, in the sums hereinafter named only, to-wit:

Livestock Sanitary Board

Salary, executive officer and state veterinarian	\$ 16,000.00
Clerkhire	15,000.00
Postage, supplies, printing, furniture and fixtures	3,000.00
Miscellaneous	2,000.00
Services and expenses board's agents.....	30,000.00
Services and expenses state meat and poultry processing plant inspector	20,000.00
Compensation and expense board members.....	2,000.00
Workmen's compensation	1,000.00
Old age and survivor insurance system— social security	2,500.00
 Total	 \$ 91,500.00

Bangs Disease Fund and Bovine Tuberculosis Fund

Miscellaneous expenses	\$300,000.00
 Total	 \$300,000.00
 Grand Total	 \$391,500.00

Approved March 3, 1955.

CHAPTER 44

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 \$539,000.00, 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, 1955 and ending June 30, 1957, to-wit:

Salary	\$ 12,000.00
Clerkhire	180,000.00
Operating IBM machines	100,000.00
Postage, supplies, printing, furniture and fixtures	130,000.00
Miscellaneous	6,000.00
Travel expense	3,000.00
License plates	70,000.00
Refunds	500.00
State board of auditor's fund.....	4,000.00
Emergency	30,000.00
Old age and survivor insurance system— social security	3,500.00
Total	\$539,000.00

Approved March 10, 1955.

CHAPTER 45

S. B. No. 25
(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 \$46,062.41, 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, 1955 and ending June 30, 1957, to-wit:

Personal services	\$30,588.00
Postage, supplies, printing and binding.....	4,260.00
Furniture and fixtures	728.65

Travel expense	3,000.00
Miscellaneous	2,714.00
Audit	3,000.00
Old age and survivor insurance system—	
social security	691.76
Rent of premises	840.00
Janitor service	240.00
	<hr/>
Total	\$46,062.41

Approved March 1, 1955.

CHAPTER 46

S. B. No. 26

(Committee on Appropriations)

POULTRY IMPROVEMENT BOARD

AN ACT

Making an appropriation for the operation, maintenance and miscellaneous expenses of the poultry improvement board.

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

§ 1. Appropriation.) There is hereby appropriated out of any moneys in the state treasury in the poultry improvement board fund, the sum of \$59,700.00, 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, 1955 and ending June 30, 1957, to-wit:

Salary—executive secretary	\$ 9,000.00
Clerkhire	10,000.00
Postage, supplies, furniture and fixtures.....	4,500.00
Miscellaneous	1,500.00
Travel expense	2,000.00
Compensation and expense—board members...	1,200.00
Tags, bands and antigen	4,500.00
Bureau of agricultural economics.....	1,000.00
Fieldmen	25,000.00
Emergency	1,000.00
	<hr/>
Total	\$59,700.00

Approved March 2, 1955.

CHAPTER 47

S. B. No. 19
 (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 \$121,950.00 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, 1955 and ending June 30, 1957, to-wit:

Clerkhire	\$ 77,400.00
Postage, supplies, printing, furniture and fixtures	5,000.00
Miscellaneous	1,300.00
Travel expense	36,000.00
Workmen's compensation	150.00
Refunds	1,000.00
Old age and survivor insurance system— social security	1,100.00
Total	\$121,950.00

Approved March 9, 1955.

CHAPTER 48

H. B. No. 863
(Delayed Bills Committee)

PUBLIC SERVICE COMMISSION
(Livestock Dealers Division)

AN ACT

Making an appropriation for salaries and expenses of the livestock dealer's division.

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

§ 1. **Appropriation.**) There is hereby appropriated out of the livestock dealer's fund in the state treasury the sum of \$19,065.00, or so much thereof as may be necessary for salaries and expenses of the livestock dealer's 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, 1955 and ending June 30, 1957, to-wit:

Clerkhire	\$12,000.00
Postage, supplies, printing, furniture and fixtures	1,200.00
Miscellaneous	200.00
Travel expense	5,200.00
Workmen's compensation	35.00
Refunds	250.00
Old age and survivor insurance system— social security	180.00
Total	<u>\$19,065.00</u>

Approved March 10, 1955.

CHAPTER 49

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

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, 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 public welfare fund in the state treasury, not otherwise appropriated, the sum of \$14,296,671.00* 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, 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, 1955 and ending June 30, 1957, to-wit:

Assistance programs:

1. Old age assistance	\$10,768,275.00*
2. Aid to dependent children	1,781,175.00
3. Aid to blind	130,000.00
4. General assistance	100,000.00
5. Aid to permanently and totally disabled	898,630.00

Service programs:

1. Child welfare services	72,510.00
2. Crippled children services	239,760.00

Administration:

1. Personal services:	
a. State office employees	214,500.00
b. Doctors' fees for eye examinations	1,500.00
2. Travel expense	26,000.00

3. Communications (postage, telephone and telegraph)	12,300.00
4. Printing and supplies	16,000.00
5. Equipment:	
a. Rental	4,125.00
b. Repair and maintenance	1,550.00
c. Purchase	7,756.00
6. Other operating expense	2,750.00
7. Board member expense	10,840.00
8. Cost of merit system administration....	9,000.00
Total	\$14,296,671.00*

Approved March 12, 1955.

***Note:** The enrolled bill as signed is shown here. However, the Senate journal (p. 963) and House journal (p. 1246) show amendments recommended by conference committee, adopted and passed by the Senate (pp. 963, 964) and the House (p. 1298). These amendments would change the total sum appropriated to \$12,079,080.00 and the sum for Old Age Assistance to \$8,550,684.00.

CHAPTER 50

H. B. No. 517

(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 \$85,000.00 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, 1955 and ending June 30, 1957.

Approved February 28, 1955.

CHAPTER 51

S. B. No. 21
 (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 \$590,500.00, or so much thereof as may be necessary for salaries and expenses for the state seed department, as provided for in chapters 4-09, 4-10 and 4-11, North Dakota Revised Code of 1943, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Administration	\$ 16,500.00
Deputy commissioners	47,500.00
Clerks, stenographers, etc.	44,000.00
Field supervising inspectors	16,000.00
Inspectors	160,000.00
Postage, supplies, printing, furniture and fixtures	14,000.00
Miscellaneous	14,000.00
Advertising and research	45,000.00
Travel expense	75,000.00
Test plots	12,000.00
Tags and seals	22,000.00
Production and marketing administration.....	14,000.00
Compiling reports	1,000.00
Automobiles	5,000.00
Rent to agricultural college and others.....	7,000.00
Emergency	50,000.00
Seed department—new building	47,500.00
 Total	 \$590,500.00

Approved March 9, 1955.

CHAPTER 52

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 \$50,000.00 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, 1955 and ending June 30, 1957, to-wit:

Salaries	\$15,000.00
Office supplies and postage	1,500.00
Printing and stationery	3,500.00
Furniture and fixtures	300.00
Election expense	2,000.00
Publication fees	1,200.00
Labor expense	6,500.00
Travel expense	20,000.00
	<hr/>
Total	\$50,000.00

Approved March 2, 1955.

CHAPTER 53

H. B. No. 512
(Committee on Appropriations)

NORTH DAKOTA SOLDIERS' HOME

AN ACT

Making an appropriation for the general maintenance, improvements 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 \$113,240.00 out of interest and income and federal aid funds of the home hereafter named, and the sum of \$70,055.00 out of the veterans' aid fund in the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and special projects for the North Dakota soldiers' home at Lisbon, North Dakota, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Administration:

Board members expense and per diem.....\$	1,600.00
Salary, commandant	8,400.00
Salaries for staff	18,040.00
Expenses and per diem of auditor.....	150.00
Civilian employees and home members employed	70,200.00
Maintenance and operation	70,000.00
Insurance	2,500.00
Old age and survivor insurance system— social security	1,500.00

Special projects:

1. Grounds improvements	2,500.00
2. Replace storm windows and screens with metal combination — civilian's quarters and commandant's residence	3,905.00
3. Blacktop reservation roads adjacent to buildings	4,500.00

Total\$183,295.00

Approved February 26, 1955.

CHAPTER 54

H. B. No. 510
(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 the veterans' aid fund in the state treasury, not otherwise appropriated, the sum of \$65,720.00 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, 1955 and ending June 30, 1957, to-wit:

Salary, commissioner	\$10,200.00
Salary, assistant commissioners	25,000.00
Clerkhire	13,000.00
Postage, supplies, printing, furniture and fixtures	3,500.00
Light, telephone, and telegraph.....	1,500.00
Miscellaneous	580.00
Travel expense	6,500.00
Rent	4,440.00
Cost of service officers' schools.....	500.00
Travel, state advisory council.....	500.00
Total	\$65,720.00

Approved February 23, 1955.

CHAPTER 55

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

VETERANS' AID COMMISSION

AN ACT

Making an appropriation for the administration 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 the veterans' aid fund in the state treasury, not otherwise appropriated, the sum of \$15,000.00 or so much thereof as may be necessary for the administrative expenses of the veterans' aid commission for the biennium beginning July 1, 1955 and ending June 30, 1957.

Approved February 23, 1955.

CHAPTER 56

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

VETERINARY MEDICAL EXAMINERS

AN ACT

Making an appropriation to pay the expenses of the state board of veterinary medical examiners as authorized under chapter 36-02 of the North Dakota Revised Code of 1943 as amended by sections 36-0203 and 36-0205 of the 1953 Supplement to 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 \$725.00, 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 as amended by sections 36-0203 and 36-0205 of the 1953 Supplement to the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1955 and ending June 30, 1957.

Approved February 26, 1955.

CHAPTER 57

H. B. No. 519

(Committee on Appropriations)

WATER CONSERVATION COMMISSION—
ADMINISTRATIVE FUND

AN ACT

Making an appropriation into the "administrative fund" for the state water conservation commission for general administration expenses, maintenance and construction of dams and planning and surveying projects, expenses of state compacts and for organizing water conservation and irrigation districts for 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 \$390,400.00 or so much thereof as may be necessary for the payment of all general administration expenses of said commission, compensation and expenses of all its employees, maintenance and construction of dams, administrative expense of state compacts and for the payment of costs of planning, surveying and organizing water conservation and irrigation projects, or construction of 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, 1955 and ending June 30, 1957, to-wit:

Commissioners, per diem and expenses.....	\$ 6,000.00
Administration	40,000.00
Maintenance of dams	100,000.00
International and interstate, commissioner's and conference expenses	8,000.00
Topographic surveys, cooperation with the U. S. geological survey	30,000.00
Hydrographic surveys, cooperation with U. S. geological survey	25,000.00
Engineering and geological surveys and demonstrations	35,000.00

Cooperation with U. S. departments and for organizing conservation and irrigation districts	40,400.00
Small projects, investigations, surveys, etc.....	106,000.00
Water right investigation	12,000.00
Total	\$402,400.00

Approved March 10, 1955.

CHAPTER 58

H. B. No. 725

(Christopher, Anderson of Cass)
(Einarson, Currie, Saumur, Saugstad,)
(Schmidt, Leet and Lee)

WATER CONSERVATION COMMISSION—PROGRAMS

AN ACT

Making an appropriation to the state water conservation commission for aid in drainage, irrigation, and flood control programs.

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 in the state treasury, not otherwise appropriated, the sum of two hundred thousand dollars, or so much thereof as may be necessary, for use by the state water conservation commission in aiding on a cooperative or matching basis in the construction, reconstruction, maintenance, and cleaning out of township or county drains established by any townships or county drainage boards, irrigation projects established by irrigation districts, and water or watershed area conservation and flood control programs established by water conservation and flood control districts, said funds to remain available until expended for such purposes.

Approved February 28, 1955.

CHAPTER 59

H. B. No. 531

(Committee on Appropriations)

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 \$450,600.00, 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, 1955 and ending June 30, 1957, to-wit:

Salary, commissioners (3)	\$ 24,000.00
Clerkhire	208,400.00
Field investigator	7,800.00
Postage, supplies, printing, furniture and fixtures	40,000.00
Miscellaneous	10,000.00
Travel expense, automobile, equipment and maintenance	40,000.00
Safety department	35,000.00
Legal clerkhire	25,000.00
Legal expense	3,000.00
Actuary	7,000.00
Medical director	14,400.00
Department audit	6,000.00
Emergency, reserve	5,000.00
Old age and survivor insurance system— social security	5,000.00
Boiler inspection division	20,000.00
 Total	 \$450,600.00

Approved March 10, 1955.

CHAPTER 60

S. B. No. 88
(Baeverstad, Day, Duffy, Holand,
(Rue, Solberg, Streibel and Tuff)

ARMORY CONSTRUCTION

AN ACT

Appropriating four hundred and four thousand dollars for armory purposes and providing for the disbursement thereof, 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 World War II adjusted compensation administration fund in the state treasury, not otherwise appropriated, the sum of four hundred and four thousand dollars for the construction, reconstruction, or expansion of armories in the state of North Dakota for the use and occupancy of the federally recognized units of the North Dakota national guard. Said funds shall be disbursed by and under the direction of the state board of armory supervisors of North Dakota, in collaboration with federal and local funds as provided in section 37-1003 of the 1953 Supplement to the North Dakota Revised Code of 1943, except that a sum not to exceed ten thousand dollars may be made available for armory purposes at the university of North Dakota and a sum not to exceed ten thousand dollars may be made available for armory purposes at Hector Field at Fargo, North Dakota, without matching by local authorities.

§ 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, 1955.

CHAPTER 61

H. B. No. 526

(Committee on Appropriations)

STATE BOARD OF AUDITORS

AN ACT

To provide for the payment of the expenses of auditing and examining the affairs of the state industrial institutions, and the special departments and its subdivisions, of the state of North Dakota, designating and appropriating the funds from which paid; providing for the payment of said collection into the special fund in the state treasury; providing for repeal of Acts.

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

§ 1.) In order to 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 as the "state board of auditors fund", fifty percent (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 and elevator association,	
Grand Forks	\$14,000.00
Bank of North Dakota, including farm loan	
department	14,000.00

State hail insurance department	7,000.00
Workmen's compensation bureau	6,000.00
Coal mine inspection department	300.00
State highway department	12,000.00
North Dakota highway patrol	3,500.00
Game and fish department	5,000.00
Teachers' insurance and retirement fund.....	2,000.00
State laboratories	2,500.00
Old age and survivor insurance system—	
social security	3,000.00
Motor vehicle department	4,000.00
Total	\$73,300.00

§ 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 February 28, 1955.

CHAPTER 62

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

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, and by transfer of proper portions of collections of fees, interest, rents and royalties in the collection and land department of the bank, the sum of \$688,260.00, 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, 1955 and ending June 30, 1957,
to-wit:

Banking Department

Administrative expense	\$325,360.00
General expense	84,500.00
Examination and legal expense	24,000.00
Building maintenance	27,000.00
Emergency	25,000.00
Old age and survivor insurance system— social security	3,500.00
Total	\$489,360.00

Collection and Land Department

Administrative expense	\$114,400.00
General expense	17,600.00
Field supervision:	
1. Fieldmen	8,400.00
2. Travel	8,000.00
Examination and legal expense.....	20,000.00
Old age and survivor insurance system— social security	1,500.00
Oil leasing, etc.	10,000.00
Total	\$179,900.00

Burlington Project*

Administrative expense	\$ 11,000.00
General expense	2,800.00
Payment to school districts in lieu of taxes...	2,000.00
Emergency	3,000.00
Old age and survivor insurance system— social security	200.00
Total	\$ 19,000.00
Grand Total	\$688,260.00

Approved March 9, 1955.

***Note:** This project is now designated as the "Judge A. M. Christian-
son Project" pursuant to Senate Concurrent Resolution "J", S. L. 1955.

CHAPTER 63

S. B. No. 3

(Committee on Appropriations)

SCHOOL FOR THE BLIND

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment, and miscellaneous items of the school for the blind at Bathgate, North Dakota.

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

§ 1. **Appropriation for the State School for the Blind.**) The sums hereafter named, derived from institutional collections, interest and income, and so much additional as may be needed, are hereby appropriated 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 items of the school for the blind at Bathgate, North Dakota, for the biennium beginning July 1, 1955, and ending June 30, 1957, to-wit:

Salaries and wages	\$108,330.00
Teachers retirement fund, old age and survivor insurance system, social security.....	2,250.00
Operating expense	41,250.00
Improvements and repairs	5,000.00
Remodeling and refurnishing kitchen and serving room	5,000.00
Equipment	5,000.00
Miscellaneous items	1,800.00
 Total	 \$168,630.00

Approved March 9, 1955.

CHAPTER 64

H. B. No. 590
(Larson of Burleigh)
(By request)

CAPITOL BUILDING, WATER AND SEWAGE

AN ACT

Authorizing the board of administration to expend the sum of ten thousand dollars for connecting the water and sewage system of the capitol building to the mains of the city of Bismarck and reappropriating such sum for that purpose and declaring an emergency.

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

§ 1.) The board of administration is hereby authorized and directed to expend that item of appropriation listed as "\$10,000.00 for a new well" in subdivision 17, section 3, chapter 20 of the 1953 Session Laws of North Dakota, or so much thereof as may be necessary, for the purpose of connecting the water and sewage system of the state capitol building and grounds to the mains of the city of Bismarck, and said sum of ten thousand dollars is hereby reappropriated for the payment of expenses incurred therein during the 1953-1955 biennium.

§ 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, 1955.

CHAPTER 65

S. B. No. 2

(Committee on Appropriations)

SCHOOL FOR THE DEAF

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, 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 for the State School for the Deaf.)** The sums hereafter named, derived from institutional collections, interest and income, and so much additional as may be needed, are hereby appropriated out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, and equipment, for the school for the deaf at Devils Lake, North Dakota, for the biennium beginning July 1, 1955, and ending June 30, 1957, to-wit:

Salaries and wages	\$228,000.00
Old age and survivor insurance system— social security, and teachers' insurance and retirement	5,800.00
Operating expense	118,000.00
Improvement and repairs	15,000.00
Equipment	12,000.00
To assist the city of Devils Lake in providing fire protection for the school through exten- sion of water mains and construction of water tower, upon terms approved by the board of administration	75,000.00
Total	\$453,800.00

Approved March 9, 1955.

CHAPTER 66**H. B. No. 761****(Sticka, Anderson of Richland, Paulson, Strege, Brown,
(Larson, Thompson of Burleigh and Leet)****EXECUTIVE MANSION****AN ACT**

Providing for the construction and equipping of an executive mansion on the capitol grounds and providing for an appropriation.

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

§ 1.) There is hereby appropriated out of any moneys in the state treasury in the permanent state capitol building fund as established from moneys realized out of and from the sale of lands donated and granted to the state of North Dakota under and by the provisions of sections 12 and 17 of the "Enabling Act" approved February 22, 1889, for the purpose of erecting public buildings at the capital of the state for legislative, executive and judicial purposes, the sum of two hundred thousand dollars, or so much thereof as may be necessary, to construct and equip an executive mansion on the capitol grounds. The board of university and school lands is hereby authorized and directed to sell enough securities in which these funds may be invested, to raise money to pay this appropriation.

§ 2.) The board of administration, with the approval of the governor, shall provide for the construction and equipping of the executive mansion authorized by this Act and shall select a site upon the capitol grounds and enter into such contracts as may be necessary to carry out the provisions of this Act.

Approved March 10, 1955.

CHAPTER 67

S. B. No. 4
 (Committee on Appropriations)

GRAFTON STATE SCHOOL

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment, miscellaneous items, and new buildings and special projects for the Grafton state school at Grafton, North Dakota, and declaring an emergency.

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

§ 1. **Appropriation for the Grafton State School.**) The sums hereafter named, derived from institutional collections, institutional support fund, interest and income, and so much additional as may be needed, are hereby appropriated 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, miscellaneous items, and new buildings and special projects for the Grafton state school at Grafton, North Dakota, for the biennium beginning July 1, 1955, and ending June 30, 1957, to-wit:

Salaries and wages	\$ 958,000.00
Teachers retirement fund, old age and survivor insurance system, social security.....	16,000.00
Operating expense	676,000.00
Improvements and repairs	28,400.00
Equipment	75,000.00
Miscellaneous items:	
1. Land rentals	15,000.00
2. State-at-large patients' care.....	5,000.00
New buildings and special projects:	
1. Fencing	1,000.00
2. Laundry addition	15,000.00
3. Concrete cattle yard	700.00
4. New ward building and furnishings (to be made available immediately upon passage)	500,000.00
5. Additional for carpenter shop	10,000.00
6. For moving building	3,000.00
7. Brooder house	2,000.00
Total	\$2,305,100.00

§ 2. **Emergency.**) This Act is declared to be an emergency measure and shall be in full force and effect from and after its passage and approval on the item designated to be made available immediately upon passage.

Approved March 12, 1955.

CHAPTER 68

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

INSTITUTIONS OF HIGHER LEARNING

AN ACT

Making an appropriation for the general maintenance, and plant improvement of the state institutions of higher learning of the state of North Dakota.

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

§ 1. **Appropriations for the State Institutions of Higher Learning.**) The sums hereafter named, 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	\$3,330,000.00
a. Plant improvements:	
1. Radio—television equipment	37,500.00
2. Water softening equipment and piping	10,000.00
3. Deaerating feed water equipment and piping	12,500.00
4. Special assessments	14,000.00
5. President's residence	47,500.00
Total	<u>\$3,451,500.00</u>
2. (a) Agricultural college	\$2,800,000.00
1. Plant improvements:	
a. Municipal water to livestock unit.....	45,000.00
Total	<u>\$2,845,000.00</u>

(b) Agricultural college—

Experiment station:

Main station	\$ 760,000.00
1. Soil testing for fertilizer purposes.....	15,000.00
2. Soil testing for irrigation purposes.....	25,000.00
3. Sugar beet research	10,000.00
4. Revolving fund for seed propagation, proceeds from seed sales to be ac- counted for to state treasurer and recredited to revolving fund.....	100,000.00
Total main station	\$ 910,000.00

Branch stations:

1. Dickinson—agronomy unit	\$ 40,000.00
2. Dickinson—livestock unit	35,000.00
3. Edgeley	20,000.00
4. Hettinger	17,000.00
5. Langdon	27,000.00
6. North central	31,000.00
7. Williston dryland	20,000.00
8. Williston irrigation	17,000.00
Total branch stations	\$ 207,000.00

Plant improvements:

1. New greenhouses	\$ 100,000.00
2. Cottages	25,000.00
Total plant improvements	\$ 125,000.00
Total main and branch stations and plant improvements	\$1,242,000.00

(c) Agricultural college—

Extension division	\$ 360,000.00
1. Soils specialist	16,000.00
Total	\$ 376,000.00

3. State teachers college, Dickinson

a. Plant improvements:

1. City water plant and main assessment...	18,553.00
2. Replace lights—library and offices.....	2,415.00
3. Replace auditorium windows	1,975.00
4. Paving	19,500.00
Total	\$ 500,943.00

4. State normal and industrial college, Ellendale	\$ 261,000.00
a. Plant improvements:	
1. Tuckpoint industrial arts building.....	2,500.00
2. Vacuum pump for library and proposed men's dormitory	1,500.00
Total	\$ 265,000.00
5. State teachers college, Mayville.....	\$ 411,000.00
Total	\$ 411,000.00
6. State teachers college, Minot.....	\$ 950,000.00
a. Plant improvements:	
1. Chemistry and physics equipment to set up laboratories in remodeled old gym area	28,000.00
2. Installation of glass blocks in present window opening and tile floor to com- plete remodeling of area in old gym area; main building	7,000.00
3. Repairs on power house smokestack.....	1,450.00
4. Repair north wall of power house building	1,400.00
5. Campus lighting	4,000.00
6. Special assessment taxes	1,050.00
7. Tuckpointing main building	6,000.00
Total	\$ 998,900.00
7. State teachers college, Valley City	\$ 608,000.00
a. Plant improvements:	
1. New bathroom fixtures—west hall	6,876.00
2. Replacement of DC motors with AC motors	15,500.00
3. Automatic damper controls for 4 fan rooms	2,200.00
4. Athletic field improvement	3,500.00
Total	\$ 636,076.00
8. State school of science, Wahpeton.....	\$ 637,000.00
a. Plant improvements:	
1. Rusco type windows and screens— Burch Hall	6,450.00

2. New sidewalks and driveway to main building and heating plant	1,475.00
3. Special assessment taxes	6,908.00
4. New trades building and equipment (to be made available immediately on passage)	175,000.00
Total	\$ 826,833.00
9. State school of forestry, Bottineau.....	\$ 247,000.00
a. Plant improvements:	
1. Furniture for present dormitories.....	9,000.00
Total	\$ 256,000.00
Grand Total all educational institutions	\$11,809,252.00

And in addition thereto there is hereby appropriated to each of the institutions hereinbefore 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, 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, 1955, and ending June 30, 1957.

§ 3. 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 appropriations herein or purposes herein.

Approved March 17, 1955.

CHAPTER 69

S. B. No. 6

(Committee on Appropriations)

HOSPITAL FOR THE INSANE

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment, miscellaneous items and new buildings and special projects for the state hospital for the insane at Jamestown, North Dakota.

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

§ 1. Appropriation for the State Hospital for the Insane.) The sums hereafter named, derived from institutional collections, institutional support fund, interest and income, and so much additional as may be needed, are hereby appropriated 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, miscellaneous items, new buildings and special projects for the state hospital for the insane at Jamestown, North Dakota, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Salaries and wages:

1. Salaries	\$2,350,313.79
2. New positions	300,800.00
3. Nursing service administration:	
a. Assistant director, nursing service....	11,000.00
b. Two head nurses	14,400.00
c. Relief nurse	7,300.00
d. Night nurse	7,300.00
4. Old age and survivor insurance system— social security	44,210.00
5. Pensions (chapter 331, 1947 Session Laws)	13,845.00
Operating expense	1,415,232.00
Thorazine (medical drugs)	25,000.00

Nursing school:

1. Director of nursing	12,840.00
2. Assistant director, nursing education....	11,000.00
3. Clinical instructor	8,760.00
4. House mothers	6,000.00
5. Library	2,000.00
6. Instructional materials and equipment	3,000.00
7. Travel	2,000.00
8. Clerical help	4,400.00

Miscellaneous items:	
1. State-at-large patients	100,000.00
New projects:	
1. Repointing and gutter work	50,000.00
2. Plumbing renovation	40,000.00
3. Electrical renovation	10,400.00
4. Improvements and repairs	100,000.00
5. Nurses home furnishings	15,000.00
6. Receiving hospital furnishings	40,000.00
7. Farm equipment	11,800.00
8. Water plant	250,000.00
9. Irrigation system	10,000.00
10. Fire equipment	34,000.00
11. Laundry equipment	35,000.00
12. Standby power	35,000.00
13. Electro-encephalograph unit	4,200.00
Total	\$4,974,800.79

Approved March 12, 1955.

CHAPTER 70

S. B. No. 32
(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 transferred out of any moneys in the state treasury in the North Dakota mill and elevator association fund, the sum of \$2,678,850.00, 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, 1955 and ending June 30, 1957, to-wit:

Manufacturing expense	\$1,061,200.00
Selling and delivery expense	391,000.00

Administration expense	135,050.00
General expense	133,100.00
Elevator department	245,600.00
Feed mill department	452,400.00
State local elevator	101,500.00
Audit fees	14,000.00
Emergency fund	145,000.00
Total	\$2,678,850.00

Approved March 5, 1955.

CHAPTER 71

S. B. No. 8

(Committee on Appropriations)

STATE PENITENTIARY

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment, miscellaneous expenses, and new building of the state penitentiary.

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

§ 1. Appropriation for the State Penitentiary.) The sums hereafter named, derived from institutional collections, and so much additional as may be needed, are hereby appropriated 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, miscellaneous expenses, and new building of the state penitentiary, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Salaries and wages:

1. Salary, warden and other employees....\$	447,000.00
2. Retirement pay (chapter 331, 1947 Session Laws)	5,000.00
3. Old age and survivor insurance system—social security	7,140.00
Operating expense	286,900.00
Dental and optical work.....	10,000.00
Improvements and repairs	50,000.00
Equipment	25,400.00
Miscellaneous	2,000.00
1. Repay loan to Bank of North Dakota....	77,000.00

New buildings:	
1. Rebuild slaughterhouse	15,000.00
2. Milk house	15,000.00
	940,440.00
Total penitentiary proper	
Total penitentiary proper\$ 940,440.00	
State parole officer:	
1. Salary of parole officer	10,200.00
2. Assistant parole officer	8,400.00
3. Other expenses	13,267.00
State bureau of criminal identification.....	
29,000.00	
<hr/>	
Grand Total	\$1,001,307.00

§ 2. **Transfer.**) The sum of \$17,227.38, or such unexpended balance as may remain in that item of appropriation for the construction of an administration building at the state penitentiary as found in chapter 93 of the 1947 session laws of the state of North Dakota, is hereby appropriated and transferred to the general fund of the state treasury.

Approved March 9. 1955.

CHAPTER 72

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, 1955, and ending June 30, 1957. 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, 1955, and ending June 30, 1957.

Approved March 3, 1955.

CHAPTER 73

S. B. No. 10
(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, 1955, and ending June 30, 1957, to-wit:

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

Approved March 3, 1955.

CHAPTER 74

S. B. No. 11
(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 \$2,023,094.00, 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, 1955 and ending June 30, 1957, to-wit:

Salaries and wages:

1. Salaries and wages	\$ 117,720.00
2. Old age and survivor insurance system—social security	2,354.00
3. Other expenses	20,020.00
Operating expenses	1,312,000.00
Improvements and repairs	6,000.00
Equipment	16,000.00
Miscellaneous	439,000.00
New water main	110,000.00
Total	\$2,023,094.00

Approved March 3, 1955.

CHAPTER 75

H. B. No. 553

(Legislative Research Committee)

SOIL RECONNAISSANCE

AN ACT

Making an appropriation for the purpose of defraying expenses of the final two years of a four-year soil reconnaissance survey and land classification program to facilitate rural land assessment.

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 seventy-five thousand dollars, or so much thereof as may be necessary for the purpose of defraying the expenses of the North Dakota agricultural college in carrying on the final two years of a four-year soil reconnaissance survey and land classification program in order to facilitate the assessment of rural land. This appropriation shall be for the biennium beginning July 1, 1955, and ending June 30, 1957.

Approved March 3, 1955.

CHAPTER 76

H. B. No. 562

(Brown, Larson, and Thompson)

SPECIAL ASSESSMENTS

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 \$4,791.82 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:

Storm sewer improvement district number 86....	\$ 348.68
Storm sewer improvement district number 105..	3,219.38
Watermain and waterworks district number 93..	1,223.76
Total	<u>\$4,791.82</u>

Approved March 2, 1955.

CHAPTER 77

S. B. No. 7

(Committee on Appropriations)

STATE TRAINING SCHOOL

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment, miscellaneous expenses, and new buildings and special projects for the state training school at Mandan, North Dakota.

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

§ 1. **Appropriation for the State Training School.**) The sums hereafter named, derived from institutional collections, interest and income, and so much additional as may be needed,

are hereby appropriated 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, miscellaneous expenses, and new buildings and special projects for the state training school at Mandan, North Dakota, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Salaries and wages:

1. Salary, superintendent	\$ 10,200.00
2. Salary, secretary-treasurer	7,200.00
3. Salary, psychologist	10,200.00
4. Salary, other employees	300,000.00
5. Students' wages	7,200.00
6. Old age and survivor insurance system, teachers retirement—social security	8,400.00
Operating expense	292,400.00
Improvements and repairs	37,400.00
Equipment	50,000.00
Miscellaneous	6,600.00

New buildings and special projects:

1. New laundry building	30,000.00
2. Machine shed	10,000.00
3. Hog house (to build farrowing pens in part of barn on Sunny Farm).....	1,000.00
4. Purchase of land (240.2 acres of land be- longing to the soil conservation service....	20,240.00
5. Poultry housing	2,500.00

Total\$793,340.00

Approved March 17, 1955.

CHAPTER 78

S. B. No. 5

(Committee on Appropriations)

STATE TUBERCULOSIS SANATORIUM

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, equipment, and special projects for the tuberculosis sanatorium at San Haven, North Dakota.

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

§ 1. Appropriation for the State Tuberculosis Sanatorium.)

The sums hereafter named, derived from institutional collec-

tions, institutional support fund, interest and income, and so much additional as may be needed, are hereby appropriated 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 special projects for the tuberculosis sanatorium at San Haven, North Dakota, for the biennium beginning July 1, 1955 and ending June 30, 1957, to-wit:

Salaries and wages:

1. Salary, superintendent	\$ 24,000.00
2. Salaries and wages	721,600.00
3. Nurses	30,000.00
4. Chief instructor of nurses	10,800.00
5. Old age and survivor insurance system—social security	16,000.00
Operating expense	502,700.00
Nursing school (operation)	25,000.00
State-at-large patients	2,500.00
Improvements and repairs	25,000.00
Equipment	23,000.00

Special projects:

1. Water treating unit	6,000.00
2. Boiler water walls	25,000.00
3. Purchase of Bellanger 80 acres.....	1,000.00

Total	<u>\$1,412,600.00</u>
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Approved March 2, 1955.

CHAPTER 79

H. B. No. 536

(Legislative Research Committee)

**AUTO TRANSPORTATION FUND SURPLUS TO HIGHWAY
CONSTRUCTION FUND**

AN ACT

To provide for the transfer of a part of the unappropriated surplus now in the auto transportation fund to the credit of the highway construction fund in the state treasury.

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

§ 1.) There is hereby transferred out of the unappropriated surplus now in the auto transportation fund the sum of two

hundred thousand dollars to the credit of the highway construction fund in the state treasury.

§ 2.) The state auditor and the state treasurer shall make the transfer of the funds authorized hereby upon the records in their respective offices within a reasonable time after the effective date of this Act.

Approved February 1, 1955.

CHAPTER 80

H. B. No. 537

(Legislative Research Committee)

BANK OF NORTH DAKOTA AND MILL AND ELEVATOR FUNDS
TO HIGHWAY CONSTRUCTION FUND

AN ACT

To provide for the appropriation and transfer of funds from the bank of North Dakota and the mill and elevator association to the state highway construction fund in the state treasury.

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

§ 1.) There is hereby appropriated and transferred to the state highway construction fund the sum of one million five hundred thousand dollars from the profits of the Bank of North Dakota for the purpose of matching federal funds made available by Acts of Congress for the construction and reconstruction of highways, roads, streets, and bridges of this state. Such funds shall be transferred during the 1955-1957 biennium upon order of the industrial commission.

§ 2.) There is hereby appropriated and transferred out of the accumulated profits and surplus funds of the North Dakota mill and elevator association to the state highway construction fund the sum of five hundred thousand dollars for use in matching federal funds available for the construction and reconstruction of highways, roads, streets, and bridges of this state. Such funds shall be transferred during the 1955-1957 biennium upon order of the industrial commission.

Approved March 12, 1955.

CHAPTER 81

H. B. No. 796
(Beede and Nygaard)

HEALTH DEPARTMENT UNCLAIMED FEES TO GENERAL FUND

AN ACT

Providing for the transfer of state health department funds of the division of vital statistics, representing deposits where no refunds have been requested; time limit; continuing policy.

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

§ 1. State Health Department Authorized to Transfer Unclaimed Fees on Deposit With the Bank of North Dakota to General Fund.) The state health department is hereby authorized to transfer six hundred dollars, on deposit in the division of vital statistics account with the Bank of North Dakota, representing the accumulated deposits of fees accompanying applications for certified copies of vital records which have not been delivered because of inability or impossibility of locating, or contacting the clients and for which the clients have not requested refund of fees during a period of three or more years since payment of fees.

§ 2. The State Health Department Authorized to Transfer Future Accumulated Fees.) As a continuing policy the state department of health may automatically from time to time transfer unclaimed fees on deposit with the Bank of North Dakota or other authorized depository to the state general fund when the unclaimed status has existed for a period of at least three years.

Approved March 3, 1955.

CHAPTER 82

S. B. No. 184

(Committee on Appropriations)

TUBERCULOSIS SANATORIUM UNEXPENDED BALANCE TO
GENERAL FUND

AN ACT

Transferring the unexpended balance of the appropriation for the construction of nurses quarters and classrooms at the state tuberculosis sanatorium to the general fund.

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

§ 1.) The sum of one hundred forty-three thousand, eight hundred seventy-three dollars and fifty cents, or such unexpended balance as may remain in that item of appropriation for the construction of new nurses quarters and classrooms at the state tuberculosis sanatorium as found in chapter 78 of the 1953 Session Laws of the state of North Dakota, is hereby appropriated and transferred to the general fund of the state treasury.

Approved March 2, 1955.

CHAPTER 83

H. B. No. 689

(Committee on Appropriations)

PUBLIC WELFARE FUNDS TO CRIPPLED CHILDREN SERVICES

AN ACT

To appropriate and transfer moneys out of the funds available for aid to dependent children and to make such moneys available for expenditure by the public welfare board for crippled children services during the remainder of the biennium ending June 30, 1955; 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 originally appropriated by the Thirty-third Legislative Assembly for expenditure by the public welfare board for aid to dependent children during the 1953-1955 biennium, the sum of \$50,000.00, or so much thereof as may be necessary, for the purpose of providing funds for expenditure by the public welfare board for crippled children services for the remainder of the biennium ending June 30, 1955.

§ 2.) The state auditor and state treasurer shall immediately make the transfer of moneys authorized hereby upon the records in their respective offices upon 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 24, 1955.

GENERAL PROVISIONS

CHAPTER 84

S. B. No. 130
(Davis)

VETERANS DAY

AN ACT

To amend and reenact subsection 10 of section 1-0301 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to holidays.

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

§ 1. Amendment.) Subsection 10 of section 1-0301 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10. The eleventh day of November, which is Veterans day;

Approved March 3, 1955.

CHAPTER 85

S. B. No. 107
(Knudson)

VALIDATING DEEDS OR MORTGAGES

AN ACT

Validating deeds, mortgages, or assignments of mortgage not containing the post office address of the grantee, recorded prior to the effective date of this Act.

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

§ 1. Validating Deed or Mortgage.) The record in the office of the register of deeds, prior to January 1, 1955, of a deed, mortgage, or assignment of mortgage which shall have failed to contain the post office address of the grantee, mortgagee, or assignee named in such deed, mortgage, or assignment as provided by section 35-0304, if such deed, mortgage, or assignment otherwise was entitled to record, is hereby validated and declared to be operative fully as constructive notice.

Approved March 2, 1955.

CHAPTER 86

S. B. No. 62

(Knudson)

VALIDATION OF CERTAIN LAND TRANSFERS TO
MUNICIPALITIES FOR PARK PURPOSES

AN ACT

Relating to property transferred to municipalities for park purposes by the counties, validating certain transfers thereof, and providing for the disposition thereof, and declaring an emergency.

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

§ 1.) Any sale or transfer of lands acquired by any municipality under the provisions of section 11-2708 of the North Dakota Revised Code of 1943, by any governing body of any municipality or park district in this state is hereby validated and confirmed and declared to be fully effective and operative to convey the estates therein granted, free and clear of any restrictions as to their use for park purposes. The provisions of this section shall apply to all estates granted or conveyed prior to the effective date of this Act.

§ 2.) Any municipality or park district may abandon and discontinue as a park or recreational area, any land acquired by any municipality or park district for park and recreational purposes under the provisions of section 11-2708 of the North Dakota Revised Code of 1943, and any municipality or park district may sell, convey or transfer any such lands free from any restrictions as to their use for park and recreational purposes.

§ 3. **Emergency.)** An emergency is hereby declared to exist and this Act shall take effect and be in force from and after the date of its passage and approval.

Approved March 3, 1955.

CHAPTER 87

H. B. No. 740
(Baldwin and Simonson)

VALIDATING CERTAIN CITY PROCEEDINGS FOR
IMPROVEMENT DISTRICTS

AN ACT

Legalizing and validating proceedings taken by certain cities for the creation of improvement districts, notwithstanding certain defects in such proceedings, authorizing the levy of special assessments and taxes for payment of the municipal share of the cost of such improvements and the issuance of warrants in anticipation of the collection thereof, and declaring an emergency.

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

§ 1.) In all cases where the governing body of any city with a population of over ten thousand has heretofore entered into an agreement with the highway department of the state of North Dakota for the improvement of streets and construction of street lights, sewers, water mains or any of such facilities, and for such purpose has created a special improvement district or districts and has by resolution declared the necessity of such improvement, whether or not final plans and specifications for such work and estimates of the cost thereof have previously been prepared and filed, and has caused such resolution to be published in the official newspaper of the city, and no protests have been filed with the city auditor within thirty days after the first publication of such resolution by owners of property situated within the improvement district, or the protests so filed are signed by owners of less than seventy-five percent of such property, all such proceedings are hereby legalized and validated, notwithstanding any errors, omissions or defects therein, including, but without limitation, any defect which exists or may exist by reason of the execution of any such agreement and the award of a contract for construction of all or any part of any such improvement by the city or the highway department prior to the adoption of and hearing of protests against the resolution of necessity, and any and all such agreements and contracts heretofore entered into are likewise legalized and validated, and such cities are hereby authorized to pay all or any part of their share of the cost of any such improvement by the levy of special assessments upon benefited properties within the improvement district created therefor, or by the levy of ad valorem taxes upon all taxable property within their corporate limits, or by both

of such means, in the manner prescribed in Title 40 of the North Dakota Revised Code of 1943, as amended, provided that in no case shall the principal sum be paid initially by the levy of ad valorem taxes exceed twenty per cent of the total cost of any such improvement, and such cities are further authorized to issue warrants in anticipation of the collection of such special assessments and taxes and to take all measures for the collection of said assessments and taxes and the payment of said warrants as are provided in said Title 40.

§ 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, 1955.

CHAPTER 88

S. B. No. 36

(Legislative Research Committee)

CORRECTION OF CLERICAL AND PRINTING ERRORS

AN ACT

To correct clerical, typographical or printing errors in sections of the North Dakota Revised Code of 1943 or the 1953 Supplement thereto, and amending sections 26-2315, 35-2302, 40-0105, 40-2501, of the North Dakota Revised Code of 1943, and sections 24-0128 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Amendment.) Section 24-0128 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0128. Vacating Highways by Commissioner; Sale of Property.) The commissioner may vacate any land or part thereof, or rights in land taken or acquired for highway purposes under the provisions of this title, by executing and recording a deed thereof, and said vacation shall revert the title to the land or rights in the persons, their heirs, successors, or assigns, in whom it was vested at the time of the taking. As oil, gas and fluid minerals are not a part of and essential for highway purposes, all such rights heretofore taken, if any, are hereby vacated and returned to the person or persons in whom the title was vested at the time of taking, their heirs,

administrators, executors or assigns. Such reconveyance shall be subject to any existing contracts or agreements covering such property, and all rights and benefits thereof shall accrue to the grantee. The governor, on recommendation of the commissioner, may sell and convey on behalf of the state the interests of the state in property acquired by purchase under this title and deemed no longer necessary for the purposes thereof, and the proceeds of such sale so far as practicable shall be credited to the funds from which such purchase was made originally.

§ 2. **Amendment.)** Section 26-2315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2315. Suit by Party Injured by Default of Public Employee; Subrogation; Right of Appeal.) Any person or corporation injured by the default or wrongful act of any public employee may sue such public employee and join the fund as codefendant. If a judgment is obtained against such public employee, it shall specify that, to the extent to which the fund is liable upon the bond of such public employee, the judgment shall be paid out of any moneys in the fund or that may accrue thereafter to such fund. If a judgment is paid out of the fund, the fund shall be subrogated to the right of the judgment creditor to recover against such public employee. In all proceedings to enforce such right of subrogation, the commissioner shall act for and in behalf of the fund, and in any action or proceeding, he may appeal from any appealable order or from any judgment against the fund the same as other parties to civil actions may appeal.

§ 3. **Amendment.)** Section 35-2302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-2302. Foreclosure Enjoined; Procedure.) When the mortgagee or his assignee has commenced foreclosure by advertisement and it appears by the affidavit of the mortgagor, his agent or attorney, to the satisfaction of a judge of the district court of the county where the mortgaged property is situated, that the mortgagor has a legal counterclaim or any other valid defense against the collection of the whole or any part of the amount claimed to be due on such mortgage, the judge, by an order to that effect, may enjoin the mortgagee or assignee from foreclosing the mortgage by advertisement and may direct that all further proceedings for the foreclosure be had in the district court having jurisdiction of the subject matter. For the purpose of carrying out the provisions of this section, service may be made upon the attorney or agent of the mortgagee or assignee.

§ 4. Amendment.) Section 40-0105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0105. Ordinances and Resolutions Remain in Force; Legal Identity Not Changed.) A change in the form of organization of a municipality shall not change its legal identity as a municipal corporation. All ordinances and resolutions in force therein at the date of such change shall continue in full force and effect until repealed or amended.

§ 5. Amendment.) The first paragraph and first numbered section of chapter 40-25 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2501. Sale of Real Property to Enforce Collections of Delinquent Special Assessments.) Real property shall be sold to enforce the collection of special assessments or installments of special assessments which have become delinquent at the same time and in the same manner as is provided in the title Taxation for the sale of real property for delinquent general taxes. The sale shall be made by the same officer and upon like notice and subject to the same provision in relation to redemption, and the same record thereof shall be kept by the officer making the sale as in the case of the sale of real property for delinquent general taxes.

Approved March 3, 1955.

AERONAUTICS

CHAPTER 89

H. B. No. 822

(Rosberg, Schmalenberger and Dahlund)

AERONAUTICS COMMISSION TO BE NOTIFIED OF HIGH STRUCTURES

AN ACT

Authorizing the state of North Dakota aeronautics commission to have notice of the erection of certain buildings, structures, towers and hazards within the state of North Dakota and providing for penalties.

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

§ 1. Notice.) Whenever a person, firm, corporation or association shall erect anywhere in this state a building, structure, or tower of any kind over two hundred feet in height above the terrain such person, firm, corporation or association shall first file a notice with the state of North Dakota aeronautics commission.

§ 2. Obstructions Near Runway Approaches.) It shall be unlawful to build or maintain any obstruction near the runway approach to any airport in the state open for public use, except pursuant to rules and regulations adopted by the aeronautics commission.

§ 3. Penalty.) Each violation of this Act or any regulations, orders, or rulings promulgated or made pursuant to this Act shall constitute a misdemeanor.

Approved March 2, 1955.

AGRICULTURE

CHAPTER 90

H. B. No. 641
(Power and Langseth)

ADDITIONAL TAX LEVIES FOR COUNTY FAIR ASSOCIATIONS

AN ACT

Relating to county fair associations and tax levies therefor.

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

§ 1. Additional Levy Authorized.) The board of county commissioners may, by appropriate resolution, submit to the electors of the county at the next special or general election, the question of whether an annual levy of not to exceed one quarter mill upon all taxable property in the county, in addition to the levy provided in section 4-0227 of the North Dakota Revised Code of 1943, shall be authorized for the purpose of aiding a county fair association. If such additional levy is approved by the electors, the board of county commissioners shall be authorized to make such additional annual levy, not to exceed one quarter mill, and disburse the proceeds thereof in the manner provided in section 4-0227 for the levy and disbursement of other county fair association aid funds.

Approved March 8, 1955.

CHAPTER 91

S. B. No. 203
(Agriculture Committee)

REGULATION OF SEED SALES AGREEMENTS

AN ACT

Providing for the regulation of information required on sales agreements or contracts made between a buyer and seller of agricultural seeds, when full or partial payment is made to the seller before the seed is delivered to the buyer, providing a penalty and declaring an emergency.

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

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

1. The term "agricultural seed" shall include seeds of grass, forage, cereals, fiber, and oil crops, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds and mixtures of such seeds for sowing or planting purposes.
2. "Person" shall mean any individual, partnership, corporation, company, society, or association, except a farmer resident of North Dakota who may sell seed of his own production.

§ 2. Prohibitions.) It shall be unlawful for any person in this state to accept full or partial payment in connection with the sale of any agricultural seeds to be delivered to the buyer at a later date, unless each and every transaction is accompanied by a written sales agreement or contract which shall contain thereon the following provisions:

1. The date and place of the transaction.
2. The signature and address of the buyer and the seller or the agent acting for the seller.
3. The number of units and the price per unit.
4. The total value of the transaction.
5. The total amount of the full or partial payment made to the seller by the buyer.
6. The kind and variety of seed. If variety is unknown that fact shall be stated.
7. The grade or quality of the seed to be delivered, the grade in the case of registered or certified seed and if the seed is not registered or certified, then the minimum germination and seed purity percentages shall be stated.

If the seed is registered or certified the words "registered" or "certified" as the case may be, shall be shown in addition to the grade.

8. The date of delivery or the latest date at which delivery is to be made.
9. The place of delivery.

Any provision in any written order or contract, which is contrary to any of the provisions of this section hereby is declared to be against public policy and void.

§ 3. Penalty.) Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars and cost of prosecution for the first offense nor more than five hundred dollars and costs for prosecution for each subsequent offense.

§ 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, 1955.

CHAPTER 92

H. B. No. 748

(Berntson, Saumur and Tollefson)

POTATO DEVELOPMENT COMMISSION

AN ACT

To amend and reenact subsection (d) of section 4-10A06 and subsection (a) of section 4-10A08 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the regulatory powers of the North Dakota potato development commission.

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

§ 1. Amendment.) Subsection (d) of section 4-10A06 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-10A06. Powers of Commission.)

- (d) In order to effectuate the declared policy of this chapter, 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 in a public referendum by at least two-thirds of the potato growers voting in such referendum. The provisions of such commission's order shall be only those provisions provided for in section 8 of section 4-10A08.

§ 2. Amendment.) Subsection (a) of section 4-10A08 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-10A08. Commission's Orders.)

- (a) In accordance with the provisions, restrictions and limitations set forth herein any order issued by the commission pursuant to this chapter 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 shipment 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 (chapter) to such cooperative arrangement.
- (7) Provisions fixing fees and the method of collecting the same as hereinafter provided.
- (8) Provisions for regulating the shipment of particular grades, sizes or qualities of potatoes differently, for different varieties, for table stock or seed, for different packs, or for any combination of the foregoing, for any period.
- (9) Provisions for regulating the shipment of potatoes by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity.
- (10) Provisions that would require that potatoes offered for sale or shipment to the commercial market, have the container labeled, marked or branded to show the official grade thereof.

Approved March 11, 1955.

CHAPTER 93

H. B. No. 673
(Power and Lee)

BEES AND BEE EQUIPMENT

AN ACT

Relating to bees and bee equipment, their control and regulation, amending sections 4-1204, 4-1209, 4-1212, 4-1220, and creating subsections 4 and 5 of section 4-1201 of the North Dakota Revised Code of 1943 and repealing sections 4-1214, 4-1218 and 4-1219 thereof.

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

§ 1. Amendment.) Section 4-1201 of the North Dakota Revised Code of 1943 is hereby amended by creating and

enacting subsections 4 and 5 thereto, which are enacted to read as follows:

4. "Equipment" shall mean hives, supers, frames, veils, gloves or any apparatus, tools, machines or other devices used in the handling and manipulation of bees, honey, wax, and hives, and shall also include any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies; and
5. "Bees" shall mean any stage of common honey bee, *Apis Mellifera* L.

§ 2. Amendment.) Section 4-1204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1204. Beekeeper's License; Fees For.) Any beekeeper, upon making application for a license certificate, shall pay a license fee in accordance with the following schedule of fees for the total number of colonies owned or possessed by the applicant in North Dakota:

1 to 10 colonies of bees.....	\$ 1.00
11 to 25 colonies of bees.....	2.00
26 to 50 colonies of bees.....	3.00
51 to 100 colonies of bees.....	5.00
101 to 200 colonies of bees.....	7.50
201 to 300 colonies of bees.....	10.00
301 to 400 colonies of bees.....	15.00
401 to 500 colonies of bees.....	20.00
501 colonies and upward.....	25.00

§ 3. Amendment.) Section 4-1209 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1209. Inspections; When Made.) Every apiary, including all appliances, structures, buildings, and bees thereof, as shall be deemed necessary by the commissioner of agriculture and labor and the inspector, may be inspected at least once each year by the inspector of apiaries or his agents.

§ 4. Amendment.) Section 4-1212 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1212. Disinfection of the Person and Appliances.) After the inspection or handling of any infected apiary, bees, hive, or other apiary appliance, structure, or building, and before proceeding to any other apiary, the inspector or his deputy and assistants shall take such measures as are necessary to prevent the spread of any bee diseases found to exist therein.

§ 5. Amendment.) Section 4-1220 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1220. Penalty: Confiscation for Unlawful Transportation or Maintenance.) Any person who violates any of the provisions of this chapter, or any regulation or order made pursuant thereto, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail for not more than thirty days, and any shipment of bees, brood, combs for breeding, or used beekeeping appliances and equipment unlawfully transported or maintained may be confiscated by the state bee inspector.

§ 6. Shipment of Bees and Bee Equipment into State; Prohibitions and Regulations.) Bees in combless packages, bees on combs, used hives, or used apiary appliances, brought into this state from any other state or country must be accompanied by a certificate of health, or copy thereof, issued by the official bee inspector of such other state or country. Such certificates shall certify that such bees, or equipment, have been inspected within ninety days previous to the date of shipment and have been found to be free from infection with any contagious or infectious disease.

§ 7. Shipments into State; Permit to Make: Fees.) Before any person transports into this state any bees on comb, used hives, or used apiary equipment he shall obtain from the state bee inspector a permit for such transportation. A copy of the certificate of health issued by the official bee inspector of the state or country of origin, a complete description of the shipment, and such other information as may be required by regulations established by the commissioner of agriculture and labor shall be provided the state bee inspector who shall upon receipt of this information issue the required permit. No permit shall be required for shipment into the state of bees in combless packages. Immediately upon the arrival of any bees into this state the owner thereof shall comply with provisions of this Act relating to the registration of bees.

§ 8. Abandoned Apiary and Abandoned Equipment; Seizure, Destruction, or Sale.) Any apiary not regularly attended in accordance with good beekeeping practice and which comprises a hazard or threat to disease control in the beekeeping industry may be considered an abandoned apiary and will be subject to seizure by the state bee inspector. Any bees not properly hived, or hives or equipment not properly stored so as to prevent possible spread of disease contained therein may be considered abandoned equipment. Any diseased bees and equipment may be immediately burned or otherwise destroyed

and the remainder may be sold at public auction, proceeds after the cost of sale are deducted to be returned to the former owner or his estate; provided, however, that before causing the same to be sold, the state bee inspector shall give the owner of, or person in charge thereof, a written notice at least five days prior to the date on which said property will be sold. This notice shall be given by registered mail or personally served upon the owner of, or person in charge of, such property.

§ 9. Unsanitary Conditions; Notice of.) When the bee inspector finds that any apiary or honey house or building or portion of building or container in which honey is stored, graded, or processed is being operated while in an unsanitary condition, he shall notify the owner, or person in charge thereof. Within thirty days after such notice the owner or operator shall place such premises in a sanitary condition.

§ 10. Repeal.) Sections 4-1214, 4-1218 and 4-1219 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 11, 1955.

CHAPTER 94

H. B. No. 560

(Sortland, Strand, Spitzer, McLain and Miller)

SOIL CONSERVATION COMMITTEE AND SUPERVISORS

AN ACT

To amend and reenact sections 4-2204 and 4-2224 of the North Dakota Revised Code of 1943, relating to the state soil conservation committee and county supervisors.

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

§ 1. Amendment.) Section 4-2204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-2204. Committee: To Designate Chairman; Quorum; Provide for Surety Bonds and Annual Audit.) The committee shall designate its chairman, and may change such designation from time to time. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within its duties shall be required for its determination. The committee shall provide for the execution of surety bonds

for all employees and officers who shall be entrusted with funds or property, for the keeping of a full and accurate record of all its proceedings and of all resolutions, regulations, and orders issued or adopted by it, and for an annual audit of the accounts of its receipts and disbursements. The surety bonds provided for in this section may be issued by the state bonding fund.

§ 2. Amendment.) Section 4-2224 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-2224. Supervisors to Provide for Surety Bonds, Keeping Records, and Annual Audit.) The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, for the keeping of a full and accurate record of all their proceedings and of all resolutions, regulations, and orders issued or adopted by them, and for an annual audit of the accounts of receipts and disbursements of the district. The surety bonds provided for in this section may be issued by the state bonding fund.

Approved February 23, 1955.

CHAPTER 95

H. B. No. 628
(Sortland, Scott and Strand)

COUNTY CLERICAL HELP FOR SUPERVISORS OF SOIL
CONSERVATION DISTRICTS

AN ACT

To authorize county commissioners to provide for or furnish clerical assistance to supervisors of soil conservation districts.

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

§ 1.) In those counties of North Dakota wherein all or a substantial part of the county has been created and is operating as a soil conservation district under the provisions of chapter 4-22 of the North Dakota Revised Code of 1943, as amended, the board of county commissioners may from time to time, in their discretion, and upon the request of the supervisors of such soil conservation district, assign an employee or employees of the county to assist the supervisors in the performance of clerical work of their office. When a soil

conservation district boundaries shall embrace more than one county, the county commissioners of each such county, may provide, in their discretion, clerical assistance for the supervisors. The duties of the clerical employee or employees, shall be under the direct supervision of the supervisors of the soil conservation district.

Approved March 3, 1955.

ALCOHOLIC BEVERAGES

CHAPTER 96

H. B. No. 551

(Legislative Research Committee)

ALCOHOLIC BEVERAGE AND TOBACCO DEALERS AND DISTRIBUTORS (LICENSING AND TAXATION)

AN ACT

To amend and reenact sections 5-0205, 5-0206, 5-0211, 5-0212, 5-0213, 5-0217, 5-0218, 5-0220 and 5-0307 of the North Dakota Revised Code of 1943 and subsection 1 of section 5-0222 of the 1953 Supplement to the North Dakota Revised Code of 1943, and to repeal sections 5-0203 and 5-0204 of the North Dakota Revised Code of 1943, relating to the licensing of alcoholic beverage dealers and distributors, and the taxation of alcoholic beverages; and to amend and reenact section 57-3602 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the licensing of tobacco dealers and distributors.

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

§ 1. Amendment.) Section 5-0205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0205. Additional State Revenue: The Amount Thereof and How Collected.) There hereby is levied and assessed, and there shall be collected and paid to the state treasurer upon all beer sold in North Dakota to consumers, a tax of two dollars and forty-eight cents per barrel of thirty-one gallons or a pro rata proportion thereof in accordance with the size of the bulk container. Every brewery whose product is licensed for sale in this state, on or before the fifteenth of each month, shall file with the state treasurer a report of all shipments of beer for sale in the state during the previous month, such reports to be made in the manner and form prescribed by the state treasurer. Every wholesaler licensed to do business in this state, on or before the fifteenth of each month, shall make an exact return to the state treasurer of the amount of beer bought by him within or without the state during the previous month. Such report shall be made in the manner and form prescribed by the state treasurer. The state treasurer, at any time, may make an examination of the books and premises of any such wholesaler and otherwise may check the accuracy of

such return. Any wholesaler who fails to make the return to the state treasurer shall be liable to a penalty of not less than fifty dollars per day for each day of delay. Any wholesaler who refuses to allow such examination, or fails to make an accurate return according to the manner prescribed, is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars. With such return, the wholesaler shall pay to the state treasurer the amount of tax upon all beer which shall have been bought by him during the previous month, less leakers and breakage in transit and tax exempt government sales. The tax on all beer transferred or resold by one wholesaler to another for sale within the state shall be paid by the wholesaler receiving such shipment in the same manner as though received direct from a brewery and the wholesaler making such transfer shall be credited with the tax thereon. Wholesalers licensed in this state and also operating in adjoining states who receive beer from breweries or any other source which is sold outside the state, shall receive proper credit for the tax thereon. Any penalties or fines collected under the provisions of this section shall be paid over to the state treasurer in the same manner as the license fees are remitted.

§ 2. Amendment.) Section 5-0206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0206. Breweries May Be Established Within the State.) Any person shall have the right to establish within this state a brewery for the manufacture of beer or ale upon obtaining a license therefor from the state treasurer and paying to said treasurer a license fee of five hundred dollars per annum. Said license also shall entitle the brewery to sell its manufactured product to licensed wholesale dealers or jobbers regularly engaged in legitimate wholesale business. No brewery, domestic or foreign, operating within or without the state, shall be licensed to operate or conduct, directly or indirectly, either in the name of the brewery or as a subsidiary or through any of its officers, agents, or employees, branches, or distributing offices, the business of a wholesale dealer in this state. No brewery operating within or without the state shall be licensed to engage in the retail sale of beer or ale within the state.

§ 3. Amendment.) Section 5-0211 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0211. Wholesalers and Distributors Authorized to Distribute Beer and Ale; License and Restrictions.) Any person regularly engaged in legitimate wholesale business within the

state may be licensed to distribute beer and ale by wholesale. Such license shall be procured from the state treasurer upon an application in writing on such forms as the state treasurer shall require, containing such information as shall be required to bring the applicant within the provisions of this chapter. Each distributor shall pay a wholesaler's license fee of two hundred dollars to be collected by the state treasurer. The license fee shall cover a year beginning January first and ending December thirty-first. No distributor licensed to do business in this state shall be licensed to retail the sale of beer or ale within the state in quantities less than a case. No applicant for wholesaler's or distributor's license shall be eligible therefor unless he has established both a warehouse for handling the beer or ale under such license and a bona fide office in which is kept a complete set of records, correspondence, and files relative to all beer and ale transactions within this state.

§ 4. Amendment.) Section 5-0212 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0212. Bond Required Before License Issued.) No wholesale license shall be issued until the applicant shall file a bond, to be approved by the state treasurer. The bond shall be payable to the state of North Dakota and shall be in an amount of not less than one thousand dollars and conditioned upon the faithful observance of all the provisions of this chapter, including the payment of all taxes, fines, penalties, and costs. The bond shall be signed by the obligor as principal, and by a surety company authorized to do business in this state.

§ 5. Amendment.) Section 5-0213 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0213. Transfer of Licenses Prohibited.) No license issued by the state treasurer under the provisions of this chapter shall be transferable, and any attempt to transfer such license shall constitute a violation of the provisions of this chapter.

§ 6. Amendment.) Section 5-0217 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0217. Treasurer May Require Reports and Records.) The state treasurer, in order to carry out fully his powers and duties, may demand, require, and receive from any licensed wholesale or retail beer dealer in North Dakota:

1. Weekly, monthly, or quarterly reports in such form as the state treasurer shall direct; and

2. Any book, record, document, invoice, and voucher kept, maintained, received, or issued by such licensee in connection with his business, which in the judgment of the treasurer may be necessary properly to administer and discharge his duties and to secure the maximum of revenue and to carry out the provisions of law.

§ 7. **Amendment.)** Section 5-0218 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0218. Default by Licensees.) If default is made, or if a beer licensee shall fail or refuse to furnish any of the reports or information referred to in section 5-0217 upon request or demand being made therefor, the state treasurer or any of his duly appointed representatives may enter upon the delinquent licensee's premises where said records are kept and make such examination as is necessary to compile the required report. The cost and expenses of such examination shall be paid by the beer dealer whose reports are in default, and in addition to such cost and expenses of examination the defaulting dealer shall be subject to a fine of fifty dollars for each such default, and such fine if imposed shall be paid over to the state treasurer in the manner in which the license fees are remitted.

§ 8. **Amendment.)** Section 5-0220 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0220. Revocation of License.) In the event of a default, failure, or refusal to furnish the information referred to in section 5-0217, the state treasurer, in his discretion, may cancel and revoke the license of such defaulting licensee until such default is made good.

§ 9. **Amendment.)** Subsection 1 of section 5-0222 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. There hereby is levied and assessed and there shall be collected by the state treasurer for the general fund upon all beer sold in bottles or cans in North Dakota to consumers, an additional tax, separate and apart from all other taxes, of one cent per pint or a pro rata proportion thereof in accordance with the size of the container. This additional tax shall be collected as existing taxes on such beer are or hereafter may be collected, and shall be subject to similar accounting procedures, but no part of the revenue from this tax shall ever be used as such to satisfy any statutory allocation of beer tax revenues; provided, however, that this Act and the provisions thereof shall expire by their own limitation on July 1, 1961.

§ 10. Amendment.) Section 5-0307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0307. Excise Tax Stamp; Who Issue; Record Kept.) The stamps herein provided for shall be prepared and printed by the state treasurer in such form and denominations as may be necessary for the carrying out of the provisions of this chapter and shall be issued and sold to all wholesale dealers upon requisition thereof from time to time. Such wholesale dealers shall attach, or cause to be attached, to each package or container, in the proper amounts, such stamps as are provided for in this chapter before the same are delivered, shipped, or consigned to any retail dealer, and he shall keep a record thereof, designating the county, city, or village to which the same are shipped, and shall report to the state treasurer the location of the retailer to whom said sale, delivery, or consignment is made.

§ 11. Amendment.) Section 57-3602 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3602. Distributors and Dealers To Be Licensed.) Each person engaged in the business of selling cigarettes, cigarette papers, or snuff in this state, including any distributor or dealer, shall secure a license from the state laboratory department before engaging in such business or continuing to engage therein. A separate application and license shall be required for each distributor at each outlet or place of business within the state, and a separate dealer's license shall be required for each retail outlet when a person shall own or control more than one place of business dealing in cigarettes, cigarette papers, or snuff. No retailer shall be granted a distributor's license except a retailer who also performs, in the usual course of business, a distributor's or wholesaler's function, and has performed such functions for at least one year prior to filing application for said license. Such license shall be issued by the state laboratory department on applications stating, on a form prescribed by the state laboratory department, the name and address of the applicant, the address and place of business at which it is proposed to engage in such business, the type of business, and such other information as the laboratory department may require for the proper administration of this chapter. Each application for a wholesale or distributor's outlet license shall be accompanied by a fee of ten dollars and a surety bond to be approved by the laboratory department in the sum of not less than one thousand dollars or more than five thousand dollars. Each application for a dealer's outlet license shall be accompanied by a fee of five dollars. Stamps or insignia

provided for in this chapter shall be sold to and affixed by licensed distributors only. Licensed dealers may sell or buy or have in their possession only cigarettes, or snuff upon which such stamps or insignia have been previously affixed. A distributor's license does not authorize the holder thereof to make sales at retail. Each license issued shall be prominently displayed on the premises covered by the license.

§ 12. Repeal.) Sections 5-0203 and 5-0204 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved February 28, 1955.

CHAPTER 97

H. B. No. 569

(Wicks, Hofstrand, Fine and Roen)

SALE OF ALCOHOLIC BEVERAGES TO INDIANS PERMITTED

AN ACT

To amend and reenact section 5-0318 of the North Dakota Revised Code of 1943 and sections 5-0210 and 5-0509 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the sale of alcoholic beverages to Indians and other persons.

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

§ 1. Amendment.) Section 5-0210 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0210. Sales to Certain Persons Unlawful; Penalty.) No person shall sell or deliver any beer, alcohol or alcoholic beverages to any person under the age of twenty-one years, incompetent person, or a person who is an inebriate, or habitual drunkard. Any person violating the provisions of this section shall be guilty of a misdemeanor, and for the first offense shall be punished by imprisonment in the county jail for not less than ten days nor more than thirty days, or by a fine of not less than twenty dollars nor more than one hundred dollars, or by both such fine and imprisonment; and for a second or subsequent offense shall be punished by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by a fine of not less than fifty dollars nor more than five hundred dollars, or by both such fine and imprisonment.

§ 2. Amendment.) Section 5-0318 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0318. Sale to Certain Persons Unlawful.) No person shall sell any liquor to a minor, incompetent person, or a person who is an inebriate, or habitual drunkard.

§ 3. Amendment.) Section 5-0509 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0509. Regulations Governing Sale.) No holder of a license authorizing the sale at retail of beer, alcohol or alcoholic beverages, or any servant, agent, or employee of the licensee, shall do any of the following upon the licensed premises:

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

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

Approved February 11, 1955.

BANKS AND BANKING

CHAPTER 98

S. B. No. 57
(Duffy and Page)

PUBLIC BOOKS AND ACCOUNTS; WARRANTS

AN ACT

To amend and reenact sections 6-0125, 11-2501, 15-2113, 15-2526, subsection 5 of section 15-2912, sections 21-0101, 21-0102, 40-0101 by creating subsection 6, 40-1705, and 54-2709 of the North Dakota Revised Code of 1943, and section 40-1706 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the preparation and issuance of warrants by the state of North Dakota and its political subdivisions.

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

§ 1. **Amendment.)** Section 6-0125 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0125. Supervision of Books and Accounts of Public Institutions and Private Institutions with Which State Has Dealings.) The state examiner shall assume and exercise constant supervision over the books and financial accounts of the several public offices and institutions which he is authorized to examine. He shall prescribe and enforce a correct and uniform method of keeping financial accounts in such offices and institutions, shall recommend a form for warrants or for order-checks of all local units of government except school districts which shall conform so far as consistent with statutory and charter requirements to approved banking practice, in order to facilitate handling of such instruments by banks and other depositories, and shall instruct the proper officer of each of said institutions in the due performance of his duties concerning the same. He shall have authority to examine the books and accounts of all private institutions with which the state has any dealings so far only as the same relate to such dealings. If any public officer having control of any such office or institution shall fail or refuse to comply with the directions of the state examiner, the examiner shall report the facts to the governor and to the manager of the state bonding fund, and such refusal shall constitute grounds for removal from office and cancellation of the bond of such officer.

§ 2. Amendment.) Section 11-2501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-2501. Warrants; How Signed, Attested, Numbered, and Registered.) All warrants upon the county treasurer for claims against the county shall be issued by the county auditor upon the authority of properly audited and allowed claims or orders of the board of county commissioners. Each warrant shall be so drawn that when signed by the treasurer in an appropriate place, it becomes a check on the county depository. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. Warrants for salaries of county officers and county employees may be drawn by the county auditor from time to time as such salaries become due and payable. The county auditor shall draw all other warrants or orders upon the county treasurer for the payment of moneys upon the authority and for the purposes specifically provided by law. All warrants issued by the county auditor shall be numbered consecutively. The number, date, and amount of each warrant and the name of the person to whom payable and the fund upon which drawn shall be stated therein. Warrants shall be signed by the county auditor and at the time they are issued shall be registered by him in a book kept for that purpose.

§ 3. Amendment.) Section 15-2113 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2113. To Furnish School Supplies, Blanks, Record Books, Forms, and School Library Lists.) The superintendent of public instruction shall prepare and cause to be printed and furnished to the proper officers or persons, district clerks' record books and warrant books, school treasurers' record books, school registers, and reports, statements, notices, and returns needed or required to be used in the schools or by the school officers of the state. In preparing and furnishing the warrant book, he shall prepare a form for order and warrant checks of the school district which will conform, so far as consistent with statutory requirements, to approved banking practice in order to facilitate handling of such instruments by banks and other depositories. Such warrant shall be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the school district depository. He shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for district libraries. Such lists shall contain the

lowest price at which each publication can be purchased and such other information relative to the purchase of district libraries as he may deem requisite. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository.

§ 4. Amendment.) Section 15-2526 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2526. Warrants; Form.) Each warrant drawn by a school district clerk or a school board on the district treasurer shall specify the purpose for which it is drawn, the fund on which it is drawn, and the person to whom it is payable, and said warrant shall be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the school district depository. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. No warrant shall be issued except for indebtedness incurred prior to its issue.

§ 5. Amendment.) Subsection 5 of section 15-2912 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- 5 Pay out district moneys under his control only upon the presentation of a warrant signed by the president of the board of education, countersigned by the clerk, and attested by the seal of the district, and only if there is money in his hands or subject to his order sufficient for the payment thereof, the form of warrant used to be prescribed by the superintendent of public instruction and so drawn that when signed by the treasurer in an appropriate place it becomes a check on the special school district depository; no warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository;

§ 6. Amendment.) Section 21-0101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0101. Definitions.) The term "taxing district" when used in this chapter, unless the context thereof clearly requires otherwise, shall mean any county, city, village, school

district, township, park district, or irrigation district in the state. The term "warrant" when used in this chapter shall mean an order drawn by the proper taxing district officials on the treasurer of said taxing district, the warrant or order to be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the taxing district depository. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository.

§ 7. Amendment.) Section 21-0102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0102. Warrant: Order of Payment.) Any warrant upon the treasurer of any taxing district shall be paid in the order of its presentation for payment, except as otherwise provided in this chapter. Such warrant shall be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the taxing district depository. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository.

§ 8. Amendment.) Subsection 6 of section 40-0101 is hereby created to read as follows:

6. "Warrant" shall mean an order drawn by the proper official of the city or the village on its treasurer, the warrant or order to be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the depository of such city or village, and no warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository.

§ 9. Amendment.) Section 40-1705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1705. Disbursement of Money; Payment of Bonds, Interest Coupons.) The city treasurer shall pay out or disburse money only upon the warrant of the executive officer countersigned by the city auditor, such warrant to be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the city depository, except that he shall pay city bonds and interest coupons when the same are due and presented for payment if there is money available

for such purpose. If the bonds or interest coupons are payable outside of the city, the money for such payment shall be remitted by the city treasurer to the place of payment in time to reach that point on or before the maturity date of the obligation. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository.

§ 10. **Amendment.**) Section 40-1706 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1706. Funds: Controlled by Governing Body; Exceptions; Disbursement on Order; Payrolls.) All funds in the city treasury, except school funds, funds created and set apart for the payment of interest and principal of the debt of the city, and funds collected on special assessments, shall be under the control of the governing body of the city and shall be drawn out when authorized by a vote of the governing body, upon the order of the executive officer countersigned by the city auditor. All orders drawn upon the treasurer shall specify the purposes for which they are drawn and shall be payable out of the funds in the treasury on which they are drawn, and each order shall be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the city depository. No order upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such order has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. All orders may be transferred by endorsement. The orders shall be payable to the persons in whose favor they are drawn unless, in the case of payment of salaries and wages, the governing body otherwise directs. The governing body of any city may direct that the wages and salaries of persons employed by the city be paid by checks issued by the city treasurer upon a single order, authorized by a vote of the governing body and signed by the executive officer and countersigned by the city auditor. If such optional procedure is followed the city auditor shall certify to the city treasurer the names of the city employees and the amounts due each, and the order shall be issued to the city treasurer for the total amount of all such payroll payments due. Upon the receipt of such order the city treasurer shall issue payroll checks against the funds of the city to the several employees in the amounts due them respectively as shown by the certificate of the city auditor.

§ 11. **Amendment.**) Section 54-2708 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-2708. How Moneys Paid From State Treasury; Warrants; When Not Necessary.) Except as otherwise provided, moneys shall be paid from the state treasury only upon the warrant or order of the state auditor drawn on the state treasurer. The state examiner shall recommend a form for order and warrant check of the state government which shall conform, so far as consistent with statutory requirements, to approved banking practice in order to facilitate handling of such instruments by banks and other depositories. When such order and warrant check is signed by the state auditor the state treasurer shall accept such order or warrant with his signature, making such order and warrant check negotiable. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository. Each warrant shall specify upon what fund or from what apportionment it is to be paid. The state treasurer may redeem outstanding bonds or pay interest on bonds when due without the auditor's warrant, retaining such bond or interest coupon as his voucher for such payment until the next succeeding settlement.

Approved March 5, 1955.

CHAPTER 99

S. B. No. 80

(Hernett, Davis, Page and Sayer)

INVESTMENT LIMITATIONS ON STATE BANKING ASSOCIATIONS

AN ACT

To amend and reenact section 6-0307, of the North Dakota Revised Code of 1943, relating to investment of state banking associations in banking house, bank premises, furniture and fixtures.

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

§ 1. Amendment.) Section 6-0307 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

6-0307. Investment in Banking House, Furniture, and Fixtures; Limitation.) No state banking association shall invest in a banking house, including the lot, piece or parcel of land on which the same is located, and in furniture and fixtures

used in such banking house, an amount which will exceed the amount of the capital stock of such bank without the approval of the state banking board.

Approved February 26, 1955.

CHAPTER 100

S. B. No. 82

(Davis, Baeverstad and Sayer)

ADVANCEMENT OF FUNDS TO PROTECT LIENS

AN ACT

Providing for the advancement of funds by banks or other mortgagee to protect liens.

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

§ 1. Advancement of Funds to Protect Liens.) Any banking association or other mortgagee may advance funds or make additional loans to borrowers from time to time for the purpose of maintenance, repairs, modernization and improvement of real estate, on which the mortgagee owns a first mortgage lien, up to the original amount of said mortgage or twenty-five hundred dollars, whichever may be the lesser, with or without changing the terms of said mortgage, and may carry such advances or loans upon its books as assets of the mortgagee, provided the said first mortgage by its terms reserves in the mortgagee the right to make such advances or additional loans, and, provided further, that such advances or loans are used for the purpose stated herein. Such advances or loans shall be deemed to be merged, incorporated in and become a part of and secured by said first mortgage, and the mortgagee shall have a good and valid first lien against such real estate to secure the payment of funds so advanced or loaned.

Approved February 26, 1955.

CHAPTER 101

S. B. No. 84

(Hernett and Klefstad)

TRUST COMPANY INVESTMENT OF TRUST FUNDS

AN ACT

With respect to the investment of trust funds by a corporate trustee.

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

§ 1. Corporate Trustee: Investment of Trust Funds; Commingling Funds.) Any trust company may invest all moneys received by it in authorized securities, and shall be responsible to the owner or cestui que trust for the validity, regularity, quality, value, and genuineness of these investments and securities so made, and for the safekeeping of the securities and evidences thereof. When special directions are given in any order, judgment, decree, will, or other written instrument as to the particular manner or the particular class or kind of securities or property in which any investment shall be made, it shall follow such directions, and in such case it shall not be further responsible by reason of the performance of such trust. In all other cases it may invest funds held in any trust capacity in authorized securities using its best judgment in the selection thereof, and shall be responsible for the validity, regularity, quality, and value thereof at the time made, and for their safekeeping. Whether it be the sole trustee or one of two or more co-trustees, it may invest in fractional parts of, as well as in whole, securities, or may commingle funds for investment. If it invests in fractional parts of securities or commingles funds for investment, all of the fractional parts of such securities, or the whole of the funds so commingled shall be owned and held by the trust company in its several trust capacities, and it shall be liable for the administration thereof in all respects as though separately invested; provided, that not more than \$25,000, at the cost price of such investments, shall be so invested for any one trust at any one time in fractional parts or as commingled funds for investment, unless the authority to invest in fractional parts or as commingled funds be given in the order, judgment, decree, will, or other written instrument governing such trust. Funds so commingled for investment shall be designated collectively as a common trust fund. It may, in its discretion, retain and continue any investment and security or securities coming into its possession in any fiduciary capacity. The foregoing shall

apply as well whether a corporation trustee is acting alone or with an individual co-trustee.

Approved February 26, 1955.

CHAPTER 102

S. B. No. 180
(Olson and Knudson by request)

CREDIT UNION LOANS AND CREDIT COMMITTEE

AN ACT

To amend and reenact section 6-0614 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to credit union loans, and credit committee.

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

§ 1. **Amendment.**) Section 6-0614 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0614. Loans; How Made; Security; Meetings and Duties of Credit Committee.) The credit committee shall have general supervision over all loans to members, and shall meet as often as may be necessary to perform its duties and at least once each month. Notice must be given to each member of the committee before any meeting is held. All applications for a loan shall be made on a form approved by the committee and shall set forth the purpose for which the loan is desired, the security, if any, which is offered, and such other data as the committee may require. No loan in excess of four hundred dollars shall be made without adequate security, and security, under this section, shall include an assignment of shares or deposits, an endorsement made on the note by a responsible person, and such other security as the committee in its discretion may deem adequate. A majority of the members of the credit committee must pass on all applications for loans, and the approval of the members passing on any application for a loan must be unanimous or the loan shall not be made.

Approved March 5, 1955.

CORPORATIONS

CHAPTER 103

S. B. No. 247
(Delayed Bills Committee)

CAPITAL STOCK INCREASE OR DECREASE

AN ACT

To amend and reenact subsection 1 of section 10-0330 of the North Dakota Revised Code of 1943, relating to the increasing or diminishing of the capital stock of corporations.

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

§ 1. Amendment.) Subsection 1 of section 10-0330 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. Notice of the time and place of the meeting stating its object and the amount to which it is proposed to increase or diminish its capital stock must be served on each stockholder by depositing and registering such notice in the post office, postage prepaid, properly directed to each stockholder at his last known post office address as shown by the stock register of such corporation, with a demand for a return receipt, at least fifteen days prior to the time of such meeting. The notice must be given to stockholders whose place of residence is unknown or who are not residents in the state by the publication of such notice in a newspaper published in the county where the principal office of the corporation is situated, once a week for two successive weeks, the first publication to be at least fifteen days prior to such meeting;

Approved March 5, 1955.

CHAPTER 104

H. B. No. 754

(Sticka, Brooks, Nygaard and Gefreh)

REAL ESTATE HOLDINGS OF RELIGIOUS AND CHARITABLE
ASSOCIATIONS

AN ACT

To amend and reenact section 10-0807 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to real estate holdings of religious and charitable corporations.

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

§ 1. **Amendment.**) Section 10-0807 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-0807. Real Estate Holdings of Religious and Charitable Corporations Limited; Excess Property Escheats.) No corporations or association organized for religious or charitable purposes shall acquire or hold real estate in this state of a greater value than five hundred thousand dollars. This provision shall not apply to the property of associations actually used for educational, hospital, charitable or religious purposes. All real estate acquired or held contrary to the provisions of this section shall be forfeited and shall escheat to the estate.

Approved March 10, 1955.

CHAPTER 105

S. B. No. 127

(Duffy and Baeverstad)

DIRECTORS OF MUTUAL AID CORPORATIONS

AN ACT

To amend and reenact subsection 4 of section 10-1206 of the North Dakota Revised Code of 1943, relating to mutual aid corporations.

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

§ 1. **Amendment.**) Subsection 4 of section 10-1206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. The number of directors to be elected, the geographical district from which each shall be elected and may provide for their election by such district and the number of directors constituting a quorum;

Approved February 26, 1955.

CHAPTER 106

S. B. No. 157
(Baeverstad and Duffy)

BY-LAWS OF MUTUAL AID CORPORATIONS

AN ACT

Relating to the amendment of by-laws of mutual aid corporations.

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

§ 1. By-Laws; Amendment.) The by-laws of a mutual aid corporation may be amended by an affirmative vote of a majority of the members voting on such question at any regular meeting or at any special meeting called for that purpose.

Approved March 5, 1955.

CHAPTER 107

S. B. No. 156
(Baeverstad and Duffy)

BY-LAWS OF ELECTRIC COOPERATIVE CORPORATIONS

AN ACT

To amend and reenact section 10-1313, North Dakota Revised Code of 1943, relating to by-laws of electric cooperative corporations.

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

§ 1. Amendment.) Section 10-1313 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1313. By-Laws Made, Amended, or Repealed by Board of Directors.) The power to make, alter, or amend the by-laws

of the corporation shall be vested in the board of directors unless, by the articles of incorporation, such power is reserved to the members of the corporation. When such power is reserved to the members of the corporation such by-laws may be amended by an affirmative vote of a majority of the members voting on such question at any regular meeting or at any special meeting called for that purpose.

Approved March 5, 1955.

CHAPTER 108

S. B. No. 126
(Duffy and Baeverstad)

DIRECTORS OF ELECTRIC COOPERATIVES

AN ACT

To amend and reenact section 10-1319 of the North Dakota Revised Code of 1943, relating to electric cooperative corporations.

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

§ 1. Amendment.) Section 10-1319 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1319. Directors: Election; Qualifications; Compensation; Powers.) The business and affairs of a corporation shall be managed by a board of not less than three directors. The by-laws of the corporation may prescribe the qualifications for directors and may provide for their election by districts established on a geographical basis. The directors, other than those named in the certificate of incorporation to serve until the first annual meeting of the corporation, shall be elected by the members annually or as otherwise provided in the by-laws. The directors shall be members of the corporation or of another corporation which is a member thereof and shall be entitled to such compensation and reimbursement for expenses actually and necessarily incurred by them as may be provided in the by-laws. The board of directors shall exercise all of the powers of the corporation except such as are conferred upon the members by this chapter or by the articles of incorporation or by-laws of the corporation.

Approved February 26, 1955.

CHAPTER 109

S. B. No. 103
(Duffy, Klefstad, Fraser and Olson)

COOPERATIVE AND MARKETING ASSOCIATIONS—
ORGANIZATION AND OPERATION

AN ACT

Relating to cooperative associations or corporations, providing for their period of existence, making those heretofore organized under chapter 43 of the North Dakota Session Laws of 1921 be governed by the provisions of chapter 10-15 of the North Dakota Revised Code of 1943, making those heretofore organized under chapter 44 of the North Dakota Session Laws of 1921 be governed by the provisions of chapter 4-07 of the North Dakota Revised Code of 1943, and amending and reenacting sections 4-0710, 4-0713, 10-1504, 10-1508 and 10-1515 of the North Dakota Revised Code of 1943 and section 4-07121 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to amendment of articles of incorporation of cooperatives, adoption and amendment of their bylaws, voting by mail, calling of their regular and special meetings and quorum at meetings.

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

§ 1.) Cooperative associations heretofore or hereafter organized under the provisions of chapter 4-07 or chapter 10-15 of the North Dakota Revised Code of 1943 are hereby granted perpetual existence irrespective of the period of existence set forth in these articles of incorporation or amendments thereto. Any such cooperative association may, however, amend its articles of incorporation so as to provide for a limited period of corporate existence.

§ 2.) Cooperative associations heretofore organized under the provisions of chapter 43 of the North Dakota Session Laws of 1921 shall hereafter be governed by and subject to the provisions of chapter 10-15 of the North Dakota Revised Code of 1943, and all cooperative associations heretofore organized under the provisions of chapter 44 of the Session Laws of 1921 shall hereafter be governed by and subject to the provisions of chapter 4-07 of the North Dakota Revised Code of 1943.

§ 3. Amendment.) Section 4-0710 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0710. Amendments to Articles of Incorporation.) The articles of incorporation of any association organized under the provisions of this chapter or which may elect to come

under the provisions hereof may be amended in the following manner:

The board of directors, by a majority vote, may adopt a resolution setting forth the full text of the proposed amendment. Upon such action by the board of the directors a notice containing the full text of the proposed amendment and designating the time and place of the meeting at which such amendment will be acted upon shall be mailed to each member and voting stockholder not less than ten days prior to such meeting date. An association having in excess of two hundred voting stockholders or members may publish such notice in two successive issues of a legal newspaper of general circulation in the area served by such association in lieu of notice by mail; the last publication of such notice shall be not less than ten days prior to such meeting date. If a quorum of the voting stockholders or members is registered as being present or represented by mail vote at such meeting, a majority of the voting stockholders and members so present or represented by mail vote may adopt or reject such proposed amendment. The written assent of a majority of the stockholders and members shall be as effectual to authorize the amendment of the articles of incorporation as if a meeting was called and held as prescribed in this section. Amendments to the articles of incorporation, when adopted, shall be filed in accordance with the general corporation laws of this state.

§ 4. Amendment.) Section 4-07121 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-07121. Amendment of By-Laws; Quorum.) The stockholders or members of a cooperative marketing association shall have the power at their annual meeting, or at any special meeting called for that purpose, to amend existing by-laws or to make new by-laws for the management and conduct of the association, notwithstanding any provisions in the by-laws to the contrary. If a quorum of stockholders or members is registered as being present or represented by mail vote at such meeting, a majority of the stockholders or members so present or represented by mail vote may adopt or reject such proposed amendment. The certification and recording of by-laws and amendments thereto, and the effective date of amendments and repeals of by-laws shall be governed by section 10-0506.

§ 5. Amendment.) Section 4-0713 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0713. Regular and Special Meetings; How Called; Quorum.) In its by-laws, each association shall provide for one

or more regular meetings annually. The board of directors may call a special meeting at any time, or ten percent of the members or stockholders may file with the secretary or any other officer of the association a petition stating the specific business to be brought before the association and may demand a special meeting at any time, and such meeting then shall be called by the directors. Notice of each meeting, together with a statement of the purposes thereof, shall be mailed to each stockholder or member at least ten days prior to the meeting. Such notices may be given by publication in two successive issues of a newspaper of general circulation, published at the principal place of business of the association, instead of by mail, in which case the last publication shall be not less than ten days prior to such meeting date.

At any regular or special meeting of the members or stockholders, a quorum necessary for the transaction of business shall be at least ten percent of the total number of stockholders or members in the association when the number of stockholders or members does not exceed five hundred, and in associations having a larger number of stockholders or members fifty stockholders present shall constitute a quorum. In determining a quorum at any meeting on a question submitted to a vote by mail, stockholders or members present in person or represented by mail vote shall be counted. The fact of the attendance of a sufficient number of stockholders to constitute a quorum shall be established by a registration of the stockholders or members present and voting by mail at such meeting, which registration shall be verified by the secretary of the association and shall be reported in the minutes of the meeting.

§ 6. Amendment.) Section 10-1504 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1504. Amendments to Articles of Incorporation: Notice; Amendment by Written Assent.) The articles of incorporation of any association organized under the provisions of this chapter or which may elect to come under the provisions hereof may be amended in the following manner:

The board of directors, by a majority vote, may adopt a resolution setting forth the full text of the proposed amendment. Upon such action by the board of directors a notice containing the full text of the proposed amendment and designating the time and place of the meeting at which such amendment will be acted upon shall be mailed to each member and voting stockholder not less than ten days prior to such meeting date. An association having in excess of two hundred

voting stockholders or members may publish such notice in two successive issues of a legal newspaper of general circulation in the area served by such association in lieu of notice by mail; the last publication of such notice shall be not less than ten days prior to such meeting date. If a quorum of the voting stockholders or members is registered as being present or represented by mail vote at such meeting, a majority of the voting stockholders and members so present or represented by mail vote may adopt or reject such proposed amendment. The written assent of a majority of the stockholders and members shall be as effectual to authorize the amendment of the articles of incorporation as if a meeting of the stockholders were called and held as prescribed in this section.

§ 7. Amendment.) Section 10-1508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1508. By-Laws: Adoption; Amendment; Quorum of Stockholders Required.) A cooperative association shall adopt by-laws in accordance with sections 10-0501, 10-0502, 10-0503, 10-0504, and 10-0505. The stockholders or members of a cooperative association shall have the power at their annual meeting, or at any special meeting called for that purpose, to amend, modify, or change existing by-laws or to make new by-laws for the management and conduct of the association, notwithstanding any provisions in the by-laws to the contrary. If a quorum is registered as being present or represented by mail vote at such meeting, a majority of the stockholders or members so present or represented by mail vote may adopt or reject such proposed amendment. The certification and recording of by-laws and amendments thereto, and the effective date of amendments and repeals of by-laws shall be governed by section 10-0506.

At any regular or special meeting of the stockholders or members of a cooperative association a quorum necessary for the transaction of business shall be at least ten percent of the total number of stockholders or members in the association when the number of stockholders or members does not exceed five hundred, and in associations having a larger number of stockholders or members fifty stockholders or members present shall constitute a quorum. In determining a quorum at any meeting on a question submitted to a vote by mail, stockholders or members present in person or represented by mail vote shall be counted. The fact of the attendance of a sufficient number to constitute a quorum shall be established by a registration of the stockholders or members of the association present and voting by mail at such meeting, which

registration shall be verified by the secretary of the association and shall be reported in the minutes of the meeting.

§ 8. Amendment.) Section 10-1515 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-1515. Stockholders May Vote by Mail.) Any stockholder or member who is absent from any meeting of a cooperative association may, as herein provided but not otherwise, vote by mail on the ballot herein prescribed upon any motion, resolution, or amendment to be acted upon at such meeting. Such ballot may be in the form prescribed by the board of directors of such association and shall contain the exact text of the proposed motion, resolution or amendment to be acted upon at such meeting and the date of the meeting; and shall also contain spaces opposite the text of such motion, resolution or amendment in which such stockholder or member may indicate his affirmative or negative vote thereon. The vote shall be expressed by marking an "X" in the appropriate space upon such ballot. Such ballot shall be signed by the stockholder or member and when received by the secretary of the association holding the meeting shall be accepted and counted as the vote of such absent stockholder at such meeting.

Approved March 3, 1955.

COUNTIES

CHAPTER 110

H. B. No. 785

(Adamsen, Baldwin, Roen, Wicks, Anderson of Richland,
(Engen, Esterby and Sorlie)

SALARIES OF COUNTY OFFICERS

AN ACT

To amend and reenact subsection 2 of section 11-1010 of the North Dakota Revised Code of 1943, relating to salaries of county officers, and repealing subsection 4 of section 11-1010 of the North Dakota Revised Code of 1943 and section 11-10102 of the 1953 Supplement thereto.

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

§ 1. Amendment.) Subsection 2 of section 11-1010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. The county auditor, county treasurer, sheriff, county superintendent of schools, register of deeds, county judge, state's attorney, and clerk of the district court each shall receive the following annual salary, payable monthly, for official services rendered:
 - a. Three thousand four hundred dollars in counties having a population not exceeding six thousand;
 - b. Three thousand five hundred dollars in counties having a population exceeding six thousand and not exceeding eight thousand;
 - c. Three thousand six hundred dollars in counties having a population exceeding eight thousand population plus additional compensation of seventy dollars per year for each one thousand additional population or major fraction thereof, but not to exceed the total sum of four thousand six hundred dollars;
 - d. In counties having a population in excess of thirty thousand the sum of five thousand dollars;
 - e. 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 four thousand six hundred dollars;

- f. 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 five thousand dollars; and
- g. In counties having a county court of increased jurisdiction and a population in excess of forty thousand a county judge shall receive the sum of six thousand eight hundred 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 subsection 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 school district reorganization committee. The provisions of this section authorizing increase in salaries as herein provided shall be retroactive to January 1, 1955.

§ 2. Repeal.) Subsection 4 of section 11-1010 of the North Dakota Revised Code of 1943 and section 11-10102 of the 1953 Supplement thereto are hereby repealed.

Approved March 7, 1955.

CHAPTER 111

H. B. No. 619
(Brown and Sorlie)

SALARIES OF COUNTY COMMISSIONERS

AN ACT

To amend and reenact subsection 3 of section 11-1010 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to salaries of county officers and declaring an emergency and making the provisions of this Act retroactive to January 1, 1955.

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

§ 1. Amendment.) That subsection 3 of section 11-1010 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1010. Salaries of County Officers.)

3. Each county commissioner shall be allowed the sum of ten dollars per day while performing his duties in attending meetings of the board of county commissioners of which he is a member or when engaged in other official duties, and an allowance for each meal consumed while any such meeting of the board of county commissioners continues in session, provided that no more than three meals shall be charged and collected for in any twenty-four hour period, and actual lodging expense of not to exceed four dollars for each night's lodging necessarily required while any such meeting of the board of county commissioners continues in session, and shall not be entitled to any allowance for meals or lodging while performing official duties in the county wherein he resides other than the attendance at meetings of the board of county commissioners of which he is a member as herein provided. Claims for meals and lodging as herein provided shall be covered by a sub-voucher or receipt as provided by section 21-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943. If a meeting of a board of county commissioners is of more than one day's duration, a county commissioner may charge for and collect mileage or other transportation expense for travel actually made in going to his home and returning therefrom for each overnight period that the meeting may remain in session, but shall not be entitled to charge and collect for an evening meal on the date of going to his home or a morning meal on the date of his return. Each county commissioner while engaged in official duties outside of the county of which he is a resident shall be allowed board and lodging as provided in section 44-0804 of the 1953 Supplement to the North Dakota Revised Code of 1943 as now constituted or hereafter amended upon claims therefor properly itemized and supported by sub-voucher or receipt as provided in section 21-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943. For the purpose of collecting per diem, living expenses, and transportation expenses incident to the attendance of any county commissioner at any statewide meeting of the North Dakota county commissioners association, such attendance at said meeting shall be considered the performance of an official duty within the meaning of this section. Each county commissioner while performing official duties shall be allowed his actual transportation expenses not in excess of the amounts provided in section 11-1015 of the 1953 Supplement to the North Dakota Revised Code of 1943 as now in effect or hereafter amended, and when such transportation is furnished by rail or other common carrier including regularly scheduled airlines, such claims shall comply in all respects with section 21-0501 of the 1953 Supplement to the

North Dakota Revised Code of 1943. No county commissioner residing within the corporate limits of the county seat may charge for and collect for mileage or other sums in lieu thereof, or for meals and lodging, for attending any meeting of the board of county commissioners of which he is a member or for attending any statewide meeting of the North Dakota county commissioners association held in the county seat where he resides. Total compensation and expenses, including per diem, board and lodging, and transportation expense, received by any member of a board of county commissioners shall be charged to and paid from the general fund of the county only and shall not exceed for each fiscal year the following amounts: In counties having a population of eight thousand or less, one thousand four hundred dollars (\$1,400.00); in counties having a population of over eight thousand and less than fifteen thousand, two thousand one hundred and fifty dollars (\$2,150.00); and in counties having a population of over fifteen thousand, two thousand seven hundred dollars (\$2,700.00), and for the purpose of fixing the maximums herein provided, population figures shall be those established by the most recent federal census.

§ 2. Retroactive.) The provisions of this Act shall be construed as authorizing the compensation herein provided for from and after January 1, 1955.

§ 3. Savings Clause.) If any section, clause or provisions 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 this 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.

§ 4. Emergency.) This Act is declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 3, 1955.

CHAPTER 112

S. B. No. 235
(Holand, Knudson)

POWERS OF BOARDS OF COUNTY COMMISSIONERS

AN ACT

Amending and reenacting subsections 12 and 13 of section 11-1114, and creating and enacting subsection 14 of section 11-1114 of the North Dakota Revised Code of 1943, relating to the powers of a board of county commissioners.

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

§ 1. Amendment.) Section 11-1114 of the North Dakota Revised Code of 1943 is hereby amended by amending and reenacting subsections 12 and 13 thereto and creating subsection 14 thereto, which subsections are enacted to read as follows:

12. To purchase lands in lieu of those sold;
13. To grant to any person the right-of-way for the erection of telephone lines, electric light systems, or gas or oil pipeline systems over or upon public grounds, county streets, roads, or highways; and
14. To do and perform such duties as are prescribed by law.

Approved March 3, 1955.

CHAPTER 113

H. B. No. 697
(Gefreh and Adamsen)

SHERIFF'S MILEAGE

AN ACT

To amend and reenact section 11-1512 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to sheriff's mileage.

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

§ 1. Amendment.) Section 11-1512 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1512. Sheriff's Mileage.) A sheriff or his deputy for each mile actually and necessarily traveled within this state in the performance of official duties, shall be allowed and paid only the following amounts:

1. The sum of ten cents per mile when travel is by team or motor vehicle;
2. When travel is by rail or other common carrier the amount actually and necessarily expended therefor.

When such travel is outside the state in the performance of official duties, whether by motor vehicle or by rail or other common carrier, such officer shall be allowed and paid seven and one-half cents per mile when such travel is by motor vehicle and if by rail or other common carrier his actual and necessary travel expenses.

Approved March 2, 1955.

CHAPTER 114

S. B. No. 66
(Duffy)

INSTRUMENTS ENTITLED TO RECORD WITHOUT
REGARD TO TAXES

AN ACT

To amend and reenact section 11-1803 of the North Dakota Revised Code of 1943 relating to instruments entitled to record without regard to taxes.

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

§ 1. Amendment.) Section 11-1803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1803. Instruments Entitled to Record Without Regard to Taxes.) The following instruments may be recorded by the register of deeds without the auditor's certificate referred to in section 11-1802:

1. A sheriff's or referee's certificate of sale on execution or on foreclosure of a mortgage;
2. A mineral deed conveying oil, gas, and other minerals in or under the surface of lands;
3. A final decree of distribution, which must be presented to the auditor's office prior to being placed of record in

order to allow the auditor to make such changes in the tax rolls of his office as may be necessary;

4. Any deed conveying to the state, or to any political subdivision or municipal corporation thereof, any right-of-way for use as a public street, alley, or highway.

Approved March 1, 1955.

CHAPTER 115

S. B. No. 125
(Solberg and Duffy)

COUNTY CORONERS

AN ACT

To provide for the establishment of the office of county coroner, the duties thereof, the operation of the county coroner system, and repealing subsection 9 of section 11-1002 and chapter 11-19 of the North Dakota Revised Code of 1943, as amended.

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

§ 1. Definition.) The following words and phrases, when used in this chapter, shall, for the purpose of this chapter have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

1. "Autopsy" shall mean the dissection of a dead body for the purpose of inquiring into the cause of death.
2. "Municipality" shall include all cities, towns and villages organized under the laws of this state, but shall not include any other political subdivision.
3. "Physician" shall include physicians and surgeons licensed under the provisions of chapter 43-17 of the North Dakota Revised Code of 1943, as amended.
4. "Casualty" shall mean death arising from accidental or unusual means.

§ 2. County Coroner.) Each organized county, unless it has adopted one of the optional forms of county government provided by this Code, shall have the office of county coroner which said office shall be held by an officer chosen in the manner prescribed in this chapter.

§ 3. Appointment of Coroner, Term, Assistant.) The coroner shall be appointed by the board of county commissioners for a term of two years. If such office shall become vacant by death, resignation, expiration of the term of office, or otherwise, or when the coroner becomes permanently unable to perform the duties of his office, the county commissioners shall appoint a person with the qualifications as hereinafter set forth to fill such vacancy, who shall give and take the oath of office as prescribed for coroners. If the duly appointed, qualified and acting coroner is absent temporarily from the county, or when on duty with the armed services of the United States, or the state militia, or with the American Red Cross, or when unable to discharge the duties of his office for any other reason, such coroner may appoint a person with the qualifications of coroner to act in his absence, service or disability, upon taking the prescribed oath for coroners.

§ 4. Eligibility for Office.) No person shall be eligible for the office of county coroner except a physician who has been duly licensed to practice as such in this state for a period of not less than two years immediately preceding his appointment as such coroner, and who is in good standing in his profession.

§ 5. Appointment of Assistant.) The coroner may appoint in writing an assistant coroner or coroners who shall be licensed physicians of good standing in their profession and/or pathologists, who shall assist in doing autopsies and making such pathological and chemical examinations, and performing such other duties required and directed by the county coroner or recommended by the state's attorney.

§ 6. Persons Authorized to Act Where No Resident Physician.) In such counties in which no physician is residing, the duties of coroner as herein provided shall be performed by the sheriff. The sheriff shall call upon the nearest physician coroner or deputy coroner from an adjacent county to investigate the medical cause of death of all coroner cases within said county. Where, because of distance or adverse conditions, a physician coroner is not available, the sheriff shall have the closest practicing physician called in to investigate and certify as to the medical cause of death.

§ 7. Death to be Reported to Coroner by Physician or Persons Discovering Body.) It shall be the duty of any person who discovers the body or acquires the first knowledge of the death of any person and by any physician called or in attendance to such person who shall have died as a result of abortions criminally or self-induced, or other criminal or violent means, or by casualty, suicide, accidental deaths or

suddenly when in apparent good health in a suspicious or unusual manner, to immediately notify the office of coroner of the known facts concerning the time, place, manner, and circumstances of such death, and any other information which may be required pursuant to this Act. Any person who shall willfully touch, remove, or otherwise disturb the body of any such deceased person, or the clothing or any articles upon or near such body without authorization of the coroner or law enforcement officer present shall be guilty of a misdemeanor.

§ 8. Records of Coroner's Office.) It shall be the duty of the coroner to keep a full and complete record and to fill in the cause of death upon the death certificate in all cases coming under his jurisdiction. All records shall be kept in the office of the coroner, if the coroner maintains an office as coroner, and if no such office is so maintained, then in the office of the clerk of the district court of the county, and shall be properly indexed, stating the name, if known, of every deceased person, the place where the body was found, date of death, cause of death, and all other available information required by this Act. The report of the coroner, and the detailed findings of the autopsy, if one was performed, shall be attached to the report of every case. The coroner shall promptly deliver or cause to be delivered to the state's attorney of the county in which such death occurred, copies of all necessary records relating to every death in which, in the judgment of the coroner or state's attorney, further investigation may be deemed advisable. The sheriff of the county, the police of the municipality, or the state highway patrolman on duty in that county, or the constable, or marshal of the township or village in which the death occurred, may be requested to furnish more information or make further investigation when requested by the coroner or his deputy. The state's attorney may obtain from the office of the coroner, copies of records and such other information as he may deem necessary for further investigation. All records of said office of the coroner shall become and remain the property of the county, and shall be considered public records.

§ 9. State's Attorney May Subpoena Witnesses.) If the state's attorney of the county shall be notified by any officer or other persons, or be cognizant himself of any violation or criminal act causing such death, or in any manner connected therewith he may inquire into the facts of such violation or criminal act, and for such purpose he shall issue his subpoena for any person who he has reason to believe has any information or knowledge of such violation, to appear before him at a time and place designated in such subpoena, then and there to testify concerning any such violation. The subpoena shall

be directed to the sheriff or any constable of the county and shall be served and returned to the state's attorney in the same manner as subpoenas are served and returned in criminal cases. Each witness shall be sworn by the state's attorney to testify under oath, and to make true answer to all questions which may be propounded to him by such state's attorney touching any such violation or criminal act. The testimony of every witness shall be reduced to writing, and shall become a part of the coroner's files in such case. For all purposes in this section the state's attorney may:

1. Administer oaths or affirmations to all witnesses;
2. Apply to the district court for the punishment of any witness for contempt for or on account of any disobedience of a subpoena, a refusal to be sworn, or to answer as a witness, or a refusal to sign his testimony; and
3. Compel the attendance of witnesses by attachment in the manner and with the effect provided in the title Judicial Branch of Government. Any witness compelled to testify under the provisions of this section shall be entitled to counsel and all other constitutional rights.

§ 10. Dead Bodies To Be Held Pending Investigation.) All dead bodies in the custody of the coroner shall be held until such time as the coroner after consultation with the state's attorney or the police department of the municipality, or the state highway patrolmen on duty in that county, or the sheriff has reached a decision that it is not necessary to hold the dead body longer to enable him to decide on a diagnosis, giving a reasonable and true cause of death, or that the dead body is no longer necessary to assist any one of the above named officials in their duties, but no dead body shall be held longer than twelve hours from the time coroner was notified without embalming.

§ 11. Coroner May Perform Autopsy.) The coroner or his medical deputy, may, if he deems it necessary, take custody of the dead body. If, in the opinion of the sheriff and state's attorney, an autopsy is deemed necessary, such autopsy shall be performed by the coroner or his deputy coroner, or pathologist. A detailed description of the observations written during the progress of such autopsy and the conclusions drawn therefrom shall be filed in the office of the coroner.

§ 12. Coroner May Order Removal of Body.) Where the county does not provide a morgue or morgue facilities for the use of the coroner, the coroner may use existing hospital facilities. When post mortem is completed at county morgue facilities or existing hospital facilities, the coroner after getting

expressed order of the person lawfully entitled to the custody of the deceased person's remains as to the funeral home of their choice, shall order the remains released to such funeral home, or the coroner after getting the expressed order of the person lawfully entitled to the custody of the deceased person's remains, as to the funeral home of their choice, may order the remains removed to such funeral home and the necessary post mortem conducted there.

§ 13. Cause of Death, Determination.) The cause of death, the manner and mode in which the death occurred, as delivered by the coroner and incorporated in the coroner's verdict shall be incorporated in the death certificate filed with the registrar of vital statistics of this state.

§ 14. Disinterment of Dead Bodies.) Whenever in the opinion of the state's attorney and either the sheriff or coroner, it is deemed necessary, the state's attorney or coroner shall have authority to order the disinterment of any dead body within their county and to authorize the removal of such body under the supervision of the coroner for purpose of examination and autopsy.

§ 15. Notice of Next of Kin, Disposition of Personal Belongings; Disposition of Body Where Next of Kin Cannot Be Found.) The coroner having taken charge of the case, shall notify relatives or friends of the deceased person, if known, as soon as possible by telephone, telegram, or otherwise, giving details of the death and disposition of the deceased person. If the relatives or friends of such deceased are unknown, the coroner shall dispose of the personal effects and body in the following manner:

1. Disposal of personal effects.
 - a. After using such clothing as may be necessary in the burial of the body the remaining personal effects of the deceased shall be turned over to the public administrator for disposition of such personal property in accordance with the laws, regulations and policies governing the office of the public administrator.
2. Disposal of body.
 - a. The coroner shall dispose of the remains,
 - (1) In accordance with the provisions of section 23-0614 of the North Dakota Revised Code of 1943, as amended;
 - or
 - (2) To be buried in accordance with the laws governing the burial of indigent persons within this state.

§ 16. Coroner's Fees Paid Out of County Treasury; Fees To Be Charged by Coroner; Duty of County Auditor.) The fees and mileage allowed to the coroner shall be paid out of the county treasury and the coroner's bill shall be presented to the county auditor and shall be paid upon approval and order of the board of county commissioners.

§ 17. Application.) The provisions of this Act shall apply to every county in this state having a population of eight thousand or more according to the last preceding official federal census, and the provisions of chapter 11-19 and section 11-1002 of the North Dakota Revised Code of 1943, as amended, shall not be applicable to such counties. The provisions of this Act shall not apply to counties having a population of less than eight thousand according to the last preceding official federal census and such counties shall be governed by the provisions of chapter 11-19 and section 11-1002 of the North Dakota Revised Code of 1943, as amended.

Approved March 9, 1955.

CHAPTER 116

S. B. No. 229
(Judiciary Committee)

COUNTY AUDITOR FEES

AN ACT

Relating to the duties of the county auditor and to provide for the collection of fees commensurate with costs for services rendered to private individuals, firms or corporations by county auditors and for the disposition of such fees.

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

§ 1. Duties of County Auditor In Rendering Services To Private Individuals, Firms or Corporations; Fees To Be Charged; Disposition of Fees; Records To Be Kept.) It shall not be the duty of any county auditor to compile statistical information for, or furnish copies of records to, private individuals, firms or corporations, other than that required of him by section 11-1315 of the North Dakota Revised Code of 1943. At his own discretion he may compile statistical information for, or furnish copies of records to, private individuals, firms or corporations upon payment of a suitable charge which shall be commensurate with costs to the county of providing

such services. Such fee shall be a minimum of twenty-five cents and shall not exceed the sum of one dollar per hour for time consumed in compiling such statistical information or preparing such copies of records, to be remitted each month to the county treasurer for credit to the county general fund. The county auditor shall keep a complete record of fees collected under this Act.

Approved March 9, 1955.

CHAPTER 117

S. B. No. 173
(Holand)

DESTRUCTION OF COURT RECORDS

AN ACT

Authorizing clerks of court to destroy certain records.

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

§ 1. Clerk of Court To Destroy Certain Records.) The clerks of the district courts and of county courts having increased jurisdiction are hereby authorized to remove from the files in their offices, and to destroy all files in civil actions in such court in which judgment was entered more than thirty years prior to the passage of this Act, or whenever the judgment in such civil action shall have been entered for more than thirty years. The clerk of any court of record may destroy shorthand notes that are on file in his office when such shorthand notes have been transcribed into any public record for five years or more. Such clerk may also destroy exhibits in any case which have been in his custody for thirty years or more.

§ 2. Record Made of Files Destroyed.) At the time of destroying such files, shorthand notes or exhibits the clerk of court shall make a record upon the margin or elsewhere upon the entry in the register of actions, or the docket of such judgment, indicating the removal and destruction of such file, shorthand notes or exhibits and the date thereof.

§ 3. Certain Files Not To Be Destroyed.) None of the files shall ever be destroyed in any probate proceeding or in any action for divorce, legitimization, adoption, change of name, or which otherwise affects the status of any person or persons,

or in any action to determine title or interest in real property, or to quiet title therein, or to establish or foreclose a lien thereon, or for the partition thereof, or which in any way affects the title to real property either by adjudication or by the execution of a judgment.

Approved March 9, 1955.

CHAPTER 118

H. B. No. 611
(Rose and Lindberg)

MEMORIALS, COST OF CONSTRUCTION AND MAINTENANCE

AN ACT

To amend and reenact section 11-3201 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to World War memorials; providing for maintenance of such memorials, authorizing agreements with public or private nonprofit agencies or corporations for such purpose, and declaring an emergency.

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

§ 1. Amendment.) Section 11-3201 of the 1953 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 or 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 during the Korean hostilities, 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 December 31, 1956, and shall terminate not later than December 31, 1959, 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 when erected, shall be properly and permanently maintained. The board may provide for such maintenance or erection 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, or may enter into a written agreement with any public or private nonprofit agency or corporation for the assumption of part or all of such responsibility by such agency or corporation. Pursuant to such agreement, the county may acquire or divest itself of any title to or jurisdiction over such memorial or other suitable recognition.

§ 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 11, 1955.

CHAPTER 119

S. B. No. 73
(Livingston and Day)

COUNTY ZONING

AN ACT

Relating to county zoning regulations, and empowering counties to establish zoning districts, to impose regulations and restrictions within such districts, and to establish county planning commissions to secure the orderly development of the county, for the purpose of promoting health, safety, morals and the general public welfare, and declaring an emergency.

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

§ 1. County Power To Regulate Property.) For the purpose of promoting health, safety, morals, public convenience, general prosperity and public welfare, the board of county

commissioners of any county is hereby empowered to regulate and restrict within the county, subject to section 20 of this Act, the location and the use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, and other purposes.

§ 2. Board of County Commissioners To Designate Districts.) For any or all of the purposes designated in section 1, the board of county commissioners may by resolution divide all or any parts of the county, subject to section 20 of this Act, into districts of such number, shape, and area as may be deemed necessary, and may likewise enact suitable regulations to carry out the purposes of this Act. These regulations shall be uniform in each district, but the regulations in one district may differ from those in other districts. No regulation or restriction, however, shall prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming. The provisions of this Act, shall not be construed to include any power relating to the establishment, repair and maintenance of highways or roads.

§ 3. Object of Regulations.) These regulations shall be made in accordance with a comprehensive plan and designed for any or all of the following purposes:

1. To protect and guide the development of non-urban areas;
2. To secure safety from fire, flood, and other dangers;
3. To regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes;
4. To lessen governmental expenditures;
5. To conserve and develop natural resources.

These regulations shall be made with a reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses.

§ 4. County Planning Commissions Authorized: Membership.) The board of county commissioners of any county desiring to avail itself of the powers conferred by this Act, shall establish, by resolution, a county planning commission to recommend the boundaries of the various county zoning districts and appropriate regulations and restrictions to be

established therein. Membership of such commission shall be composed of nine members, two of whom shall be appointed from the board of county commissioners, and two from the governing body of the municipality designated as the county seat of the county to serve for their respective terms of elective office. The remaining five members shall be appointed from the county at large. When appointments to said commission are first made, three members-at-large shall be appointed for a two year term and two members-at-large for a four year term, after which all subsequent appointments for members-at-large shall be for a four year term. Appointments to fill vacancies shall be for the unexpired portion of the term. All appointments to the county planning commission shall be made by the board of county commissioners.

§ 5. Meetings: Officers.) The commission shall meet within thirty days after its appointment and elect a chairman and other necessary officers from its membership. The commission may adopt rules and bylaws not inconsistent with the provisions of this Act. A majority of the members of the commission shall constitute a quorum. Members of the commission shall serve without compensation. The county auditor shall serve as secretary to the commission and shall keep all of the records and accounts of the commission.

§ 6. Investigations.) The county planning commission in conjunction with the township boards of the affected areas shall investigate and determine the necessity of establishing districts and prescribing regulations therefor, as herein provided; and, for that purpose, shall consult with residents of affected areas, and with federal, state, and other agencies concerned. State, county, township, city, and village officials, departments, or agencies are hereby required to make available, upon request of the county planning commission, such pertinent information as they may possess, to render technical assistance, and to cooperate in assembling and compiling pertinent information.

§ 7. County Planning Commission To Prepare Plan.) After investigation, as herein provided, the county planning commission shall prepare a proposed resolution to be submitted to the board of county commissioners establishing districts and prescribing regulations therefor, as herein provided, which shall be filed in the office of the county auditor.

§ 8. Hearings.) After the filing of the proposed resolution, the county planning commission shall hold a public hearing thereon, at which the proposed resolution shall be submitted for discussion, and parties in interest and citizens shall have an opportunity to be heard. Notice of the time, place, and

purpose of the hearing shall be published once each week for three consecutive weeks in the official newspaper of the county, and in such other newspapers published in the county as the county planning commission may deem necessary.

§ 9. Publication of Resolutions.) Following the public hearing, the board of county commissioners may adopt the proposed resolutions, with such changes as it may deem advisable. Forthwith after the adoption of any such resolution, the county auditor shall cause the same to be published for three successive weeks in the official newspaper of the county and in such other newspapers published in the county as the board of county commissioners may deem necessary. Proof of such publication shall be filed in the office of the county auditor and thereupon the resolution shall take effect. Any such resolution may, from time to time, be amended or repealed by the board of county commissioners upon like proceedings as in case of the adoption of a resolution. Upon adoption of any resolution hereunder, the county auditor shall file a certified copy thereof with the register of deeds.

§ 10. Separate Hearings.) Any person aggrieved by any provision of a resolution adopted hereunder, or any amendment thereto may, within sixty days after the taking effect of such provision, petition for a separate hearing thereon before the board of county commissioners. The petition shall be in writing and shall specify in detail the ground of the objections. The petition shall be filed with the county auditor. A hearing thereon shall be held by the board no sooner than ten days, nor longer than forty days, after the filing of the petition with the county auditor, who shall notify the petitioner of the time and place of the hearing. At this hearing the board of county commissioners shall consider the matter complained of and shall notify the petitioner, by registered mail, what action, if any, it proposes to take thereon. The provisions of this section shall not operate to curtail or exclude the exercise of any other rights or powers of the board of county commissioners or any citizen.

§ 11. May Adjust Enforcement.) The board of county commissioners is authorized to adjust the application or enforcement of any provision of a resolution hereunder in any specific case where a literal enforcement of such provision would result in great practical difficulties, unnecessary hardship, or injustice, so as to avoid such consequences, provided such action shall not be contrary to the public interest or the general purposes hereof.

§ 12. Appeals To District Court.) Any person, or persons, jointly or severally, aggrieved by a decision of the board of

county commissioners under this Act, may appeal to the district court in the manner provided in chapter 11-11 of the North Dakota Revised Code of 1943, as amended.

§ 13. Not To Affect Use.) The lawful use or occupation of land or premises existing at the time of the adoption of a resolution hereunder may be continued, although such use or occupation does not conform to the provisions thereof, but if such nonconforming use or occupancy is discontinued for a period of more than two years, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. If the state acquires title to any land or premises, all further use or occupancy thereof shall be a conforming use or occupancy.

§ 14. Nonconforming Uses Regulated.) The board of county commissioners, may, by resolutions, as herein provided, prescribe such reasonable regulations, not contrary to law, as it deems desirable or necessary to regulate and control nonconforming uses and occupancies.

§ 15. Board of County Commissioners To Make Complete List.) Immediately after the adoption of any zoning resolution, the board of county commissioners shall prepare a complete list of all nonconforming uses and occupancies existing at the time of the adoption of the resolution. This list shall contain the names of the owner or owners, and any occupant other than the owner, the legal description or descriptions of the land, and the nature and extent of the nonconforming use. Copies of these lists shall be filed in the office of the register of deeds and of the county auditor and shall be corrected, from time to time, as the board of county commissioners may prescribe. Immediately after the filing of this list, the county auditor shall furnish each township assessor, a record of nonconforming uses or occupancies existing within his assessment district. At the time of each assessment thereafter each assessor shall prepare a list of all nonconforming uses or occupancies, which list shall be given to the board of county commissioners. The board of county commissioners shall thereupon amend the previous list and file a certified copy of the same in the office of the register of deeds of the county.

§ 16. Enforcement.) The board of county commissioners shall provide for the enforcement of this chapter and of resolutions and regulations made thereunder, and may impose enforcement duties on any officer, department, agency, or employee of the county.

§ 17. Violation of Zoning Regulations and Restrictions: Remedies.) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or

if any building, structure, or land is used in violation of this Act, the proper county authorities or any affected citizen or property owner, in addition to other remedies, may institute any appropriate action or proceedings:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
2. To restrain, correct, or abate such violations;
3. To prevent the occupancy of the building, structure, or land; or
4. To prevent any illegal act, conduct, business, or use in or about such premises.

§ 18. Board of County Commissioners Authorized To Issue Permits: Appropriate Money.) The board of county commissioners is empowered to authorize and provide for the issuance of permits as a prerequisite to construction, erection, reconstruction, alteration, repair or enlargement of any building or structure otherwise subject to the provisions of this Act, and may establish and collect reasonable fees therefor. The fees so collected shall be credited to the general fund of the county. The board of county commissioners is further empowered to appropriate, out of the general funds of the county, such moneys as may be necessary for the purposes of this Act.

§ 19. Joint Planning Commission May Be Established.) Where the area to be regulated and restricted is situated in two or more counties a joint planning commission may be established. Membership of such a joint planning commission shall consist of five members from each county planning commission to be appointed by the chairman of the respective county planning commissions. Each joint commission shall make a preliminary report and hold public hearings thereon as is provided in the case of county planning commissions before submitting its final report and recommendations to the respective county planning commissions of each county concerned.

§ 20. Township Zoning Not Affected: Townships and Municipalities May Relinquish Powers.) The provisions of this Act shall in no way prevent townships from making regulations as provided in sections 58-0311 to 58-0315, inclusive, of the 1953 Supplement to the North Dakota Revised Code of 1943, but such townships may relinquish their power to enact zoning regulations to the county by resolution of the board of township supervisors. The provisions of this Act shall not be construed to affect any property, real or personal,

located within the limits of any incorporated municipality of this state, except that any such municipality by resolution of its governing body may relinquish to the county its power to enact zoning regulations under chapter 40-47 of the North Dakota Revised Code of 1943, as amended, in which case such property shall be subject to the provisions of this Act.

§ 21. **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, 1955.

CRIMES AND PUNISHMENTS

CHAPTER 120

H. B. No. 665
(Isakson and Adamsen)

PUBLIC OFFICER'S INTEREST IN CONTRACTS

AN ACT

To amend and reenact section 12-1006 of the North Dakota Revised Code of 1943, relating to personal interest in contract by public officer.

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

§ 1. Amendment.) Section 12-1006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-1006. Personal Interest In Contract By Public Officer; Punishment; Exception.) Every public officer authorized to sell or lease any property, or make any contract in his official capacity, who voluntarily becomes interested individually in such sale, lease, or contract, directly or indirectly, is guilty of a misdemeanor. Provided however, that township supervisors shall be permitted to do work for such township for a consideration of not to exceed five hundred dollars in any calendar year when a finding is made and entered in the minutes that other persons can not be found to adequately or suitably do such work.

Approved March 2, 1955.

CHAPTER 121

S. B. No. 104
(Klefstad and O'Brien)

ABANDONED ICEBOXES, REFRIGERATORS

AN ACT

To prevent the abandoning or discarding of iceboxes, refrigerators, or ice chests which have latch lids or doors and to provide a penalty.

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

§ 1.) Any person, firm or corporation abandoning or discarding in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of one and one-half cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or who, being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain in such condition, shall be deemed negligent as a matter of law and shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or imprisoned not more than sixty days, or both.

Approved February 26, 1955.

CHAPTER 122

H. B. No. 825
(Vinje, Roen, Gefreh, Schuler, Langseth, Brooks and Haugland)

OBSCENE MATERIALS

AN ACT

Relating to the prohibition of the buying, selling, distribution, designing or disseminating in any way, of obscene writings and pictures and providing for the enforcement and administration of this Act and penalties for its violation; and to repeal sections 12-2107, 12-2109 and 12-2111 of the North Dakota Revised Code of 1943.

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

§ 1. **Sale, Exhibition and Distribution of Lewd and Obscene Matter To Persons Under Twenty-One Prohibited.)**
No obscene, lewd, salacious or lascivious book, pamphlet, pic-

ture, paper, letter, magazine, newspaper, writing, print, printing, film, negative, transcription, wire or tape recording, or other matter of indecent character, shall be sold, loaned, given away, shown, exhibited, distributed, advertised or offered for sale, loan, gift or distribution, or be held in possession with intent to sell, loan, give away, show, exhibit, or distribute, to any one under the age of twenty-one. Any person, firm, co-partnership or corporation who hires, uses, or employs any one under the age of twenty-one to sell, give away, or in any manner distribute such matter, and any person who, having the care, custody or control of a person under the age of twenty-one years, permits such person to sell, give away, or in any manner distribute such matter, shall also be guilty of a violation of this Act. The trial court shall take into consideration and give due weight to the approval by the national association known as the 'Comics Code Authority', or such associations successors, of any comic books or publications in question under this Act.

§ 2. Buying, Selling, Distributing, Exhibiting, Preparing, Possession of, or Bringing Into State Any Equipment for Preparing, Lewd and Obscene Matter.) No person, firm, co-partnership or corporation shall buy, sell, cause to be sold, advertise, lend, give away, offer, show, exhibit, distribute, cause to be distributed, or design, copy, draw, photograph, print, etch, engrave, cut, carve, make, publish, prepare, assist in preparing, solicit or receive subscriptions for, or hold in possession with intent to sell, lend, give away, offer, show, exhibit, distribute, or cause to be distributed, or bring or cause to be brought into the state any obscene, lewd, salacious, or lascivious book, pamphlet, picture, paper, letter, magazine, newspaper, writing, print, printing, film, negative, transcription, wire or tape recording, cast, cut, carving, figure, image, or other matter, article or instrument of indecent character or immoral use, or any equipment, machinery, or devices used or intended to be used in the preparation, manufacturing or producing of such obscene matter and material. The trial court shall take into consideration and give due weight to the approval by the national association known as the 'Comics Code Authority', or such associations successors, of any comic books or publications in question under this Act.

§ 3. Distribution of Indecent Articles: Tie-In Sales.) No person, firm, co-partnership or corporation shall as a condition to a sale or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any other article, book, or other publication reasonably believed by the purchaser or consignee to be obscene, lewd, lascivious, filthy, indecent or disgusting.

§ 4. Seizure and Confiscation of Equipment Used In Production or Manufacture of Indecent Literature or Articles and of Vehicles Used In Distribution of Indecent Articles Authorized.) Any peace officer of this state may seize any equipment used in the printing, production or manufacture of indecent and obscene literature, matter or articles of whatever nature, and may seize any vehicle or other means of transportation used in the distribution of such indecent and obscene literature, matter or articles, and may arrest any person in charge thereof. The procedure prescribed in chapter 29-31 of the North Dakota Revised Code of 1943 relating to confiscation of equipment used in the commission of crimes shall apply and shall be followed in carrying out the provisions of this section.

§ 5. Penalty.) Any person who violates any of the provisions of this Act shall be punishable by a fine of not to exceed one thousand dollars, or by imprisonment for not to exceed one year, or by both such fine and imprisonment. The term "person" herein shall include any firm, co-partnership or corporation.

§ 6. Severability.) Should any part of this Act be adjudged invalid or unconstitutional, such adjudication shall affect only the part of this Act specifically covered thereby and shall not affect any other provisions or parts of this Act.

§ 7. Repeal.) Sections 12-2107, 12-2109, 12-2111 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 1, 1955.

CHAPTER 123

H. B. No. 705

(Wolf, Sticka, Gress, Roen, Snow,)

(Lee, Homelvig, Schmalenberger,)

(Petterson, Poling, Brown, Larson,)

(Bratcher, Strege and Hegge)

SUNDAY BASEBALL

AN ACT

To amend and reenact subsection 2 of section 12-2115 of the North Dakota Revised Code of 1943, relating to acts of Sabbath breaking, and declaring an emergency.

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

§ 1. Amendment.) Subsection 2 of section 12-2115 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Public sports, including shooting, sporting horse racing, or other public sports, circuses, and street carnivals. This section shall not apply to baseball when authorized by the governing body of any municipality to be played within the territorial limits of such municipality or by the board of county commissioners when played outside the limits of cities or villages and when conducted in a quiet and orderly manner so as not to interfere with the peace, repose, and comfort of the community and when played after one o'clock p.m. on the Sabbath day more than five hundred feet away from any church edifice.

§ 2. Emergency.) This Act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1955.

CHAPTER 124

S. B. No. 37
(Legislative Research Committee)
(At the Request of the)
(Judicial Council)

SUSPENSION OF CERTAIN SENTENCES

AN ACT

To amend and reenact section 12-5313 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to imposition and suspension of sentences in certain criminal cases.

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

§ 1. **Amendment.**) Section 12-5313 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-5313. Imposition of Sentence Suspended; When Authorized.) When a defendant has been found guilty of a felony for the first time or when a defendant has been found guilty of a misdemeanor, whether or not for the first time, the court upon application or its own motion may, in its discretion, suspend the imposing of the sentence and may direct that such suspension continue for a definite period of time, not exceeding five years, and upon such terms and conditions as it may determine.

Approved February 26, 1955.

CHAPTER 125

S. B. No. 161
(Duffy and Rue)

BOARD OF PARDONS; MEETINGS

AN ACT

To amend and reenact section 12-5503 of the North Dakota Revised Code of 1943, relating to meetings of the board of pardons.

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

§ 1. Amendment.) Section 12-5503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-5503. Board Meetings; When and Where Held.) The board of pardons shall hold at least two regular meetings in each calendar year, and may hold such other special meetings at such times as it shall determine necessary for the proper performance of its official duties. The regular meetings shall be held on the fourth Monday of March and the first Monday of August of each year at the penitentiary. All special meetings of the board shall be held in the executive chamber at the state capitol, or in such other place as may be ordered by the board.

Approved March 1, 1955.

DOMESTIC RELATIONS AND PERSONS

CHAPTER 126

H. B. No. 575
(Brooks and Wicks)

MISCEGENATION

AN ACT

To repeal sections 14-0304, 14-0305, 14-0326 and 14-0327 of the North Dakota Revised Code of 1943 relating to miscegenation.

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

§ 1. Marriage Between White Person and Negro Person Void; Penalty; Repeal.) Section 14-0304 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 2. Definition of a Negro Person; Repeal.) Section 14-0305 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 3. Issuing License of Marriage Between Negroes and Whites; Penalty; Repeal.) Section 14-0326 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 4. Performing Marriage Ceremony Between Negroes and Whites; Penalty; Repeal.) Section 14-0327 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 10, 1955.

CHAPTER 127

S. B. No. 101
(Judiciary Committee)

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

AN ACT

To improve and extend by reciprocal legislation the enforcement of duties of support under chapter 14-12, and amending sections 14-1207, 14-1208, 14-1210, 14-1211, 14-1212, and 14-1218 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to reciprocal enforcement of duties of support.

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

§ 1. Officials To Represent Petitioner.) The state's attorney, upon the request of the court, shall represent the petitioner in any proceeding under chapter 14-12 of this title.

§ 2. Petition For A Minor.) A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

§ 3. Costs and Fees.) A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both petitioner and respondent, or either, shall be paid by the county. Where the action is brought by or through the state or an agency thereof, there shall be no filing fee.

§ 4. Jurisdiction by Arrest.) When the court of this state, acting either as an initiating or responding state, has reason to believe that the respondent may flee the jurisdiction it may:

1. As an initiating state request in its certificate that the court of the responding state obtain the body of the respondent by appropriate process if that be permissible under the law of the responding state; or
2. As a responding state, obtain the body of the respondent by appropriate process.

§ 5. State Information Agency.) The attorney general's office is hereby designated as the state information agency under this Act, and it shall be its duty:

1. To compile a list of the courts and their addresses in this state having jurisdiction under this Act and transmit

the same to the state information agency of every other state which has adopted this or a substantially similar Act; and

2. To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this Act.

§ 6. Application of Payments.) Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

§ 7. Uniformity of Interpretation.) Chapter 14-12 of this title shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and may be cited as the Uniform Reciprocal Enforcement of Support Act.

§ 8. Amendment.) Section 14-1207 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1207. What Duties Are Enforceable.) Duties of support enforceable under this law are those imposed or impossible under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

§ 9. Amendment.) Section 14-1208 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1208. Remedies of a State or Political Subdivision Thereof Furnishing Support.) Whenever the state or political subdivision thereof furnishes support to an obligee it has 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 and of obtaining continuing support.

§ 10. Amendment.) Section 14-1210 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1210. 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. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent including, but without limitation by enumeration, a photograph of the respondent, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or social security number.

§ 11. Amendment.) Section 14-1211 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1211. 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, it shall so certify and shall cause three copies of (1) the petition, (2) its certificate and (3) this Act to be transmitted to the court of the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

§ 12. Amendment.) Section 14-1212 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1212. 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. If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the respondent or his property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state.

§ 13. Amendment.) Section 14-1218 of the 1953 Supplement

to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1218. 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 and may be compelled to testify to any relevant matter, including marriage and parentage.

Approved March 2, 1955.

EDUCATION

CHAPTER 128

H. B. No. 696
(Erickson of Burke-Divide)

REPEAL FARM LOAN INVESTMENTS BY BOARD OF UNIVERSITY AND SCHOOL LANDS

AN ACT

To repeal chapter 125 of the North Dakota Session Laws of 1953, relating to investment in farm loans by the board of university and school lands.

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

§ 1. **Repeal.**) Chapter 125 of the North Dakota Session Laws of 1953 is hereby repealed.

Approved February 28, 1955.

CHAPTER 129

S B. No. 242
(Delayed Bills Committee)

PRIVATE SALE OF NON-GRANT SCHOOL LANDS

AN ACT

To amend and reenact section 15-0704 of the North Dakota Revised Code of 1943, relating to private sale of non-grant lands.

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

§ 1. **Amendment.**) Section 15-0704 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0704. Private Sale; Terms and Prices.) Any land sold under the provisions of this chapter shall be by public sale except purchases under the provisions of sections 15-0710 and 15-0813 of the North Dakota Revised Code of 1943. If the land was acquired through the cancellation of a contract for deed,

the price shall be not less than the amount due at the time of cancellation. If the land was acquired through foreclosure, the price shall be not less than the amount due at the time of the foreclosure sale. In either case, the purchase price also must include interest on the aforesaid amount at the rate of five percent per annum from the date of the cancellation or the foreclosure sale, as the case may be, and the amount of recording fees paid by the state.

Approved March 9, 1955.

CHAPTER 130

S. B. No. 58
(Freed)

CONVEYANCE OF LAND BY BOARD OF HIGHER EDUCATION

AN ACT

Authorizing the state board of higher education to convey to the Dickinson School District, Number One, Stark County, North Dakota, five acres, more or less, of a tract of land situated in the northwest quarter of section four, township one hundred thirty-nine north, range ninety-six west of the fifth principal meridian, in the city of Dickinson, Stark County, North Dakota.

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

§ 1.) It is hereby determined that the property hereinafter described is suited as the site for the erection of an elementary school, the facilities of which would be used and made available for purposes of supervised student teaching and observation by the state teachers college at Dickinson, North Dakota.

§ 2.) The state board of higher education, with the approval of the governor and attorney general, is hereby authorized to convey the property described as follows, to-wit:

A tract of land situated in the northwest quarter of section four, township one hundred thirty-nine north, range ninety-six, in the city of Dickinson, county of Stark, state of North Dakota, is more particularly described as follows: Beginning at a point sixteen feet south and sixty-six feet west of the golf ground's southwest corner which is described in the original college tract of book thirty-eight, page one hundred, book of deeds, thence west and parallel with south boundary of golf grounds a distance of four hundred feet, thence north and parallel with the west boundary of the roadway on the west side of golf grounds, a distance of five hundred forty-four and five tenths feet, thence east and

parallel with south boundary of golf grounds, a distance of four hundred feet, thence south five hundred forty-four and five tenths feet to the point of beginning. This tract contains five acres, more or less, and presently comprises a part of the campus of the state teachers college at Dickinson, North Dakota,

to the Dickinson school district number one, Stark County, North Dakota, as a site for the erection by said school district of an elementary school, the facilities of which shall be made available for purposes of supervised student teaching and observation by the state teachers college at Dickinson, North Dakota.

§ 3.) The conveyance of said property shall be executed in the name of the state of North Dakota by the governor and attested by the secretary of state under the Great Seal of the state of North Dakota, and shall be made without the payment of any consideration by the school district concerned.

Approved March 9, 1955.

CHAPTER 131

S. B. No. 142
(Knudson)

PLEDGE OF RENTALS AT MAYVILLE TEACHERS COLLEGE

AN ACT

Authorizing the Mayville state teachers college to pledge certain rentals to repay any loan for the purpose of building a new residence for the president thereof and remodeling the old residence into a men's dormitory, and declaring an emergency.

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

§ 1. **Authorization To Pledge Rentals.)** The state teachers college at Mayville, North Dakota, is authorized to pledge future rentals from faculty residential units and from the men's dormitory to be converted from the college president's residence, for the purpose of paying any loan or loans for the building of a new president's residence and for remodeling the old president's residence into a men's dormitory at the state teachers college at Mayville.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its approval.

Approved March 3, 1955.

CHAPTER 132

H. B. No. 548

(Legislative Research Committee)

STATE BOARD OF PUBLIC SCHOOL EDUCATION

AN ACT

Amending and reenacting subsection 3 of section 15-1901 and sections 15-1902, 15-1903, 15-1906, 15-4002, 15-2008, 15-4003, 15-4010, and 15-4105 of the North Dakota Revised Code of 1943; and sections 15-2002, 15-2003, 15-2004, 15-2006, 15-2010, subsections 1 and 4 of 15-2012, 15-2013, 15-2014, 15-2015, 15-4021, 15-5303, 15-5701, 15-5902, 15-5903, 15-5905, subsection 6 of 15-6001 and 15-6006 of the 1953 Supplement to the North Dakota Revised Code of 1943; and repealing sections 15-5304 and 15-6002 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to high school correspondence, vocational education and rehabilitation, the state equalization emergency fund board, the advisory board for school district reorganization, the state board of teaching scholarships, the advisory council on special education, the state school construction fund and other elementary and secondary education functions, and creating the state board of public school education.

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

§ 1. Creation and Operation of State Board of Public School Education.) There is hereby created a "state board of public school education" consisting of the governor, as chairman, attorney general, superintendent of public instruction, a member to be named by the president of the North Dakota educational association and a member to be named by the president of the North Dakota school officers' association, such members to serve for a term beginning July 1, 1955, through December 31, 1955. Thereafter, a member shall be selected by the North Dakota educational association and a member shall be selected by the North Dakota school officers' association at their respective annual conventions who shall be appointed to serve for a two year term beginning on the first day of January in each even numbered year and expiring on the last day of December of each odd numbered year. The superintendent of public instruction shall also serve as executive director and secretary of such board, shall supervise and carry out the policies of the board in relation to all functions of the board, and shall employ such personnel as shall be necessary to carry on such responsibilities as may be placed upon the board by law. No additional compensation shall be paid to any person serving upon the state board of public school education, except that the members from the North Dakota school officers' association and the North Dakota education association shall receive the sum of ten dollars for each day actually engaged

in their duties under this Act and shall receive reimbursement for actual necessary expenses incurred in the performance of their duties from the biennial appropriation of the department of public instruction at the same rates as provided by law for other state officers. The board shall have authority to call upon any state office, officer, department, or agency for such advice and assistance as it may from time to time require.

§ 2. Amendment.) Section 15-2002 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2002. State Treasurer Is Custodian of Vocational Education Funds.) The state treasurer shall be the custodian of all moneys received by this state from any appropriations made under the Act of Congress described in section 15-2001, and he is authorized to receive and provide for the proper custody of such moneys and to make disbursements thereof in the manner provided in such Act of Congress and for the purpose specified in such Act. He shall pay out any moneys appropriated by this state for the purpose of carrying out any of the provisions of this chapter upon the order of the state board of public school education.

§ 3. Amendment.) Section 15-2003 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2003. State Board of Vocational Education; State Director For Vocational Education; Appointment, Qualifications, Assistants, Duties.) The state board of public school education shall be the state board for vocational education. The state board of public school education, acting through the office of the superintendent of public instruction, shall appoint a state director and executive officer for vocational education who shall be charged with the administration, under the direction and supervision of the board, of the provisions of this chapter relating to vocational education. The board, acting through the office of the superintendent of public instruction, shall designate such assistants to the director as may be necessary to carry out the provisions of this chapter. The duties, terms of office, and compensation of the director and of his assistants shall be determined by the board. The director shall be a graduate of a standard college or university. He shall enforce such rules and regulations as the board may adopt and shall prepare such reports concerning vocational education as the board may require.

§ 4. Amendment.) Section 15-2004 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2004. Powers and Duties of State Board of Public School Education Relating To Vocational Education.) The state board of public school education shall have all authority necessary to cooperate with the United States office of education in the federal security agency or other department or agency of the United States of America in the administration of the act of congress relating to vocational education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with the act of congress relating to vocational education;
2. To administer the funds provided by the federal government and by this state for the promotion of vocational education in agricultural, trade, industrial, home economics and distributive occupational subjects;
3. To formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in this state;
4. To provide for the preparation of teachers of the subjects mentioned in this section;
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to vocational education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose;
6. To make studies and investigations relating to vocational education;
7. To promote and aid in the establishments of schools, departments, or classes giving training in the subjects mentioned in this section, and to cooperate with local communities in the maintenance of vocational schools, departments, or classes;
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors in the subjects mentioned in this section; and
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of vocational education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of vocational teachers.

§ 5. **Amendment.)** Section 15-2006 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2006. Cooperation of School Boards In Vocational Education.) The governing body of any school district and the board of trustees of any county agricultural and training school may cooperate with the state board of public school education in the establishment and maintenance of schools, departments, or classes in vocational education giving instruction in agricultural trade, industrial, home economics, or distributive occupational subjects, and may use any moneys raised by public taxation for such purposes in the same manner as the moneys for other school purposes are used for the maintenance and support of public schools. When any school, department or class giving instruction in vocational education has been approved by the state board of public school education, it shall be entitled to share in any federal and state funds available for vocational education.

§ 6. **Amendment.)** Section 15-2008 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2008. Reimbursement of Schools Teaching Subjects In Vocational Education.) The state board of public school education, acting through the office of the superintendent of public instruction, shall reimburse approved schools, departments, or classes giving instruction in the vocational education subjects described in this chapter from federal funds allocated to the state for the purpose of vocational education to the extent of one-half of the salaries of teachers of vocational subjects. If the amounts of federal funds are not sufficient to pay, to the full extent, the amount due to the schools, departments, or classes under the provisions of this section, the board may pro rate the sums available among the various schools, departments, or classes meeting the requirements of this chapter and the rules and regulations of the board relating to vocational education.

§ 7. **Amendment.)** Section 15-2010 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2010. Report of State Board of Public School Education To Governor.) The state board of public school education, in its biennial report to the governor covering the operations of the educational institutions under its control, shall set forth:

1. The condition of vocational education in the state, a list of the schools to which federal and state aid for

vocational education has been given, and a statement of the expenditures of federal and state funds for that purpose.

§ 8. Amendment.) Subsections 1 and 4 of section 15-2012 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. "State board" shall mean the state board of vocational education which is the state board of public school education;
4. "Executive officer of the board" shall mean superintendent of public instruction;

§ 9. Amendment.) Section 15-2013 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2013. Director of Division of Vocational Rehabilitation and Executive Officer of the Board.) The state board shall contain a division of vocational rehabilitation. The division shall be administered, under the general supervision and direction of the state board acting through the office of the superintendent of public instruction, by a director appointed by such board, acting through the office of the superintendent of public instruction, in accordance with established personnel standards and on the basis of his education, training, experience, and demonstrated ability. In carrying out his duties under this Act, the director:

1. Shall make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof, for vocational rehabilitation services, procedures for fair hearings and such other regulations as he finds necessary to carry out the purposes of this Act;
2. Shall establish, with the approval of the state board, appropriate subordinate administrative units within the division;
3. Shall appoint, with the approval of the state board, such personnel as he deems necessary for the efficient performance of the functions of the division;
4. Shall prepare and submit to the state board annual reports of activities and expenditures and, prior to each regular session of the legislature, estimates of sums required for carrying out this Act and estimates of the amounts to be made available for this purpose from all sources;

5. Shall make certification for disbursement, in accordance with regulations, of funds available for vocational rehabilitation purposes;
6. Shall take, with the approval of the state board, such other action as he deems necessary or appropriate to carry out the purposes of this Act; and
7. May delegate, with the approval of the state board, to any officer or employee of the division such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this Act.

§ 10. **Amendment.)** Section 15-2014 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2014. Administration of Vocational Rehabilitation.) Except as otherwise provided by law, the state board acting through the office of the superintendent of public instruction, and through the division, shall provide vocational rehabilitation services to disabled individuals determined by the director to be eligible therefor. In carrying out the purposes of this Act, the division among other things, may:

1. Cooperate with other departments, agencies, and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of this Act, such programs, facilities and services as may be necessary or desirable;
2. Enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the states concerned;
3. Conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals.

§ 11. **Amendment.)** Section 15-2015 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2015. Cooperation With Federal Government.) The state board acting through the office of the superintendent of public instruction, and through the division, shall cooperate, pursuant to agreements, with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and may adopt such methods of administration as are found by the federal government to be

necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

§ 12. **Amendment.)** Section 15-4003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4003. Vocational Education In Agriculture, Home Economics, and Distributive Occupations; Cooperation with Federal Programs.) The amount appropriated by the legislative assembly to the fund for any biennium for vocational education in agriculture, home economics, distributive occupation, and occupational information and guidance, in cooperation with federal programs, or so much thereof as may be necessary, shall be expended by the state board of public school education for such purposes. The state auditor shall pay moneys appropriated for such purposes to such school districts and in such manner as shall be directed in the certificate of the state board of public school education, and such board shall be charged with the duty of administering said funds through the state director of vocational education and shall do all things necessary to cooperate with the program outlined in the Smith-Hughes Act, in the George Deen Act, and in other federal legislation adopted to further vocational education.

§ 13. **Amendment.)** Section 15-4010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4010. Emergency Fund: Administration; Membership of Board.) The state board of public school education shall constitute the board to carry out and perform the provisions of this chapter relating to the distribution of the emergency fund. Such board shall prescribe such rules and regulations not inconsistent with the provisions of this chapter as it shall deem reasonable and necessary.

§ 14. **Amendment.)** Section 15-4021 of the 1953 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; Use of Moneys Restricted.) 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 public school education, except that until January 1, 1957, such certificates

for high school correspondence work shall be submitted by 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.

§ 15. Amendment.) Section 15-4105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4105. State Board of Public School Education To Prescribe Qualifications Prerequisite To High School Obtaining Aid Under Federal Acts.) The state board of public school education, acting as the state board for vocational education, shall make all rules and regulations required for compliance with the program of the Smith-Hughes Act, the George Deen Act, and other federal acts under which a high school may participate in financial benefits accorded by the federal government, and to be eligible for such benefits, a high school must comply with such rules and regulations and conform to all qualification requirements and conditions therein specified.

§ 16. Amendment.) Section 15-5303 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5303. State Committee; Members; Expenses.) The state committee upon school district reorganization shall be the state board of public school education.

§ 17. Amendment.) Section 15-5701 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5701. State Board of Teaching Scholarships.) The state board of public school education shall constitute the state board of teaching scholarships.

§ 18. Amendment.) Section 15-5902 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5902. Advisory Council On Special Education.) The state board of public school education shall constitute the advisory council on special education.

§ 19. Amendment.) Section 15-5903 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5903. 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.

§ 20. Amendment.) Section 15-5905 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5905. Powers and Duties of Advisory Council and Director of Special Education.) The advisory council, acting through the office of the superintendent of public instruction, 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.

§ 21. Amendment.) Subsection 6 of section 15-6001 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6. "Board" shall mean the state board of public school education.

§ 22. Amendment.) Section 15-6006 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-6006. Governing Body.) Upon the effective date of this Act or as soon as possible thereafter, the board shall meet for the purpose of making plans for the administration of the school construction fund and the receiving and reviewing of applications for construction or improvements. The total membership of the board shall constitute a quorum for the purpose of conducting the business thereof and for all other purposes, and all other actions shall be taken by a unanimous vote of the members of the board. The board shall have full authority to manage the properties and business of the board. The board, acting through the office of the superintendent of public instruction, shall fix and determine the number of officers, agents and employees it shall employ and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents or employees, such powers and duties as it may deem proper.

§ 23. Joint Meetings of Board of Higher Education and State Board of Public School Education.) The state board of higher education and state board of public school education shall hold at least one joint meeting each year at the joint call of the superintendent of public instruction and the commissioner of higher education for the purpose of coordinating their programs and specifically considering matters in relation to teacher training, teaching standards, and teacher certification.

§ 24. Repeal.) Sections 15-5304 and 15-6002 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

§ 25. Amendment.) Subsection 3 of section 15-1901 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. Every child living in a rural community in the state, upon compliance with the regulations of the state board of public school education acting through the office of the superintendent of public instruction, shall be entitled to the benefits of this chapter up to and including the second year of high school, and such child shall be entitled to high school work for the third and fourth years if space is available in the local school;

§ 26. Amendment.) Section 15-1902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-1902. Director of High School Correspondence Courses: Appointment and Duties.) The state director of correspondence courses in secondary education shall be appointed by

the state board of public school education acting through the office of the superintendent of public instruction. The board shall determine his qualifications and fix his compensation. The director shall coordinate the correspondence work of participating institutions for the best interests of the state and with the object of providing high school education for all pupils in the state who are capable of receiving the instruction and who are eligible to receive the benefits provided under the provisions of this chapter. He shall make annual reports containing such information as the state board of public school education may specify. Such reports shall be furnished to the state board of public school education.

§ 27. Amendment.) Section 15-1903 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-1903. Duty of County Superintendent of Schools.) All enrollments under the provisions of this chapter shall be certified by the county superintendent of schools to the institution designated by the state board of public school education.

§ 28. Amendment.) Section 15-1906 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-1906. Correspondence Courses To Be Financed From State Equalization Fund.) The cost of operating the correspondence courses under the provisions of this chapter shall be paid out of the state equalization fund. All vouchers shall be approved by the superintendent of public instruction.

§ 29. Amendment.) Section 15-4002 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4002. High School Correspondence Work.) The amount of money appropriated to the fund by the legislative assembly for correspondence work for a biennium, or so much thereof as may be necessary, shall be expended first by the state board of public school education for high school work by correspondence.

§ 30. Effective Date of Certain Sections.) The provisions of sections 25, 26, 27, 28 and 29 of this Act shall be effective January 1, 1957.

Approved March 10, 1955.

CHAPTER 133

H. B. No. 623
(Hofstrand and Fine)

TRANSPORTATION OR MAINTENANCE OF PUPILS, LEVY

AN ACT

To amend and reenact section 15-3409 of the North Dakota Revised Code of 1943, relating to transportation or maintenance of pupils on discontinuance of a high school, and authorizing a levy for such purposes.

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

§ 1. **Amendment.)** Section 15-3409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3409. Transportation or Maintenance of Pupils Permitted on Discontinuance of High School.) Any school district which has maintained a high school and which discontinues such high school may provide transportation from the places of residence or, where convenient or more economical, may pay a reasonable allowance for board and lodging, at the option of the school board, for pupils who are eligible to attend high school and who reside in the district, in order that such pupils may attend a high school in another school district in the county, or in an adjoining county. Such transportation or allowance shall be provided in such manner and in such amounts as shall be determined by the board of the district furnishing such transportation or allowance.

§ 2. **Levy for Transportation and Maintenance of Pupils Authorized.)** The school board of any school providing transportation or an allowance for students attending high school in another district as provided in section 1 of this Act shall be authorized to levy up to five mills for such purposes, which levy shall not be subject to any mill levy limitations prescribed by law.

Approved March 8, 1955.

CHAPTER 134

H. B. No. 589
(Committee on Education)

VEHICULAR SCHOOL TRANSPORTATION CONTRACTS

AN ACT

To amend and reenact section 15-3412 of the North Dakota Revised Code of 1943, relating to vehicular school transportation.

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

§ 1. **Amendment.)** Section 15-3412 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3412. Vehicular Transportation: Bids; Contracts; Bonds.) The school board or board of education of any school district which furnishes vehicular transportation to any of its schools, prior to the opening of school each year, shall enter into written contracts for the furnishing of such transportation, for the ensuing school year. If vehicle furnished is privately owned, the driver of the vehicle and the board of education may enter into a contract not to exceed three years. The board shall give at least ten days' notice of the time and place of the letting of such contracts and shall call for sealed bids therefor by posting notices thereof in at least three of the most public places in the school district. The notices shall describe the route to be covered by each contract, and shall state that the board reserves the right to reject any and all bids, that a bond will be required of each successful bidder, in the sum of five hundred dollars, conditioned for the faithful performance of the duties prescribed by the contract, and that the bids submitted must name the person or persons who will operate the vehicle and describe the nature of the vehicle.

Approved March 8, 1955.

CHAPTER 135

S. B. No. 134
(Schrock)APPROPRIATIONS AND USE OF SCHOOL LIBRARIES;
PENALTIES

AN ACT

To amend and reenact section 15-2507 of the North Dakota Revised Code of 1943, relating to school libraries.

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

§ 1. **Amendment.**) Section 15-2507 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2507. School Library: Appropriations; Use of; Penalties for Misuse of Books.) For the purpose of acquiring a school library for each school in the district, the school board shall expend for each such school the following amounts:

1. Not less than twenty-five dollars each year until the library contains two hundred books;
2. Not less than ten dollars each year after the library contains two hundred books and until it contains three hundred books;
3. After the library contains three hundred books, the board shall not be required to purchase additional books to increase such number, but it shall keep the books in good condition and shall replace annually as many books as shall have become lost, destroyed, or obsolete.

Books purchased under this section shall be selected by the board and the teacher from any list of books authorized by the superintendent of public instruction and furnished by him to the county superintendent of schools. All such books shall be bound in cloth or in an equally durable material. Whenever school is in session and at all other practicable times, the library shall be kept in the schoolhouse, and no books shall be loaned from such library to any person who is not a resident of the school district. The board may impose and collect penalties for injuries done to books by the act, negligence, or permission of any person who takes or has possession thereof, and may exchange temporarily any part or all of any library in the district with any other district or person, but each district shall recall its books before the close of the school

term. The board may accept donations of books for the library, but it shall exclude from the library all books unsuited to the cultivation of good character and good morals and manners. No sectarian publications devoted to the discussion of sectarian differences and creeds shall be admitted to the library.

Approved March 1, 1955.

CHAPTER 136

H. B. No. 749
(Hammer, Kjos, Ettestad)

ADMISSION OF NONRESIDENT ELEMENTARY PUPILS

AN ACT

To amend and reenact sections 15-2511 and 15-29082 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the approval by the county superintendent of elementary non-resident pupils.

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

§ 1. Amendment.) Section 15-2511 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2511. Pupils: Admission of From Other Districts; Distribution Within Districts; Tuition.) The school board shall admit to the schools of the district pupils other than high school pupils from other districts when it can be done without injuring or overcrowding the schools, and shall make regulations for the admission of such pupils. When a pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil, or if such parent or guardian is a tenant, then to the extent that the landlord pays school taxes in that district. If the attendance of a pupil from another district is necessitated by shorter distance or other reasons of convenience, approval or disapproval shall be given by the county superintendent of schools within fifteen days after consulting the boards of education of both districts concerned, and the balance of the tuition, after credit for taxes paid, shall be paid by the district from which the pupil is admitted, but the whole amount of the tuition shall not exceed the average cost of elementary education per child in the county. Such costs

shall include expenditures from the general and sinking and interest funds. The board may admit to the schools in the district pupils residing in unorganized territory adjacent to the district and may arrange with the parents or guardians of such pupils for the payment of tuition. The board shall not refuse school privileges to, nor collect tuition from, pupils residing in adjacent unorganized territory if the parents or guardians of such pupils are the holders of property and taxpayers in the district. The board may make proper and necessary rules for the assignment and distribution of pupils to and among the schools in the district and for their transfer from one school to another.

§ 2. Amendment.) Section 15-29082 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-29082. Admission of Pupils From Other Districts; Tuition.) The board of education of any special school district shall admit to the schools of the district pupils other than high school pupils from other districts when it can be done without injuring or overcrowding the schools, and shall make regulations for the admission of such pupils. When a pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil. If the attendance of a pupil from another district is necessitated by shorter distance or other reasons of convenience, approval or disapproval shall be given by the county superintendent of schools within fifteen days after consulting the boards of education of both districts concerned, and the balance of the tuition, after credit for taxes paid, shall be paid by the district from which the pupil is admitted, but the whole amount of tuition shall not exceed the average cost of elementary education per child in the county. Such costs shall include expenditures from the general and sinking and interest funds.

Approved March 10, 1955.

CHAPTER 137

H. B. No. 667

(Nygaard)

TUITION PAYMENTS FOR PUPILS ATTENDING OTHER
DISTRICTS

AN ACT

To amend and reenact section 15-2512 of the North Dakota Revised Code of 1943 and section 15-5602 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to common school districts and providing for agreements between boards of districts of residence and boards of districts of enrollment, and determining the district of enrollment of elementary pupils and the credit for tuition therefor.

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

§ 1. **Amendment.)** Section 15-2512 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2512. Pupils: Sending of To Other Districts; Tuition; Approval of County Superintendent; Agreements Between Boards.) When, on account of shorter distances and other conveniences, it is to the best interests of a school district to send pupils into another school district, the district sending such pupils, with the approval of the county superintendent of schools, may pay the tuition of such pupils to the district to which they are sent. The board may arrange, and when petitioned to do so by a majority of electors of the district shall arrange, with the school boards of other districts to send to such other districts pupils who can be taught conveniently therein, and for the payment of their tuition and for furnishing and paying for their transportation to and from the schools in such other districts. Such other districts shall receive pupils only when the board of the sending district and the board or boards of the receiving district or districts have entered into an agreement governing in which district such pupils shall be enrolled.

§ 2. **Amendment.)** Section 15-5602 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5602. Credit for Tuition Paid By District of Residence.) A credit of seventy-five dollars shall be allowed against tuition charged by the district in which an elementary pupil is enrolled in all cases where the tuition for such pupil is paid by

the district in which the pupil resides. An elementary student who lives in a county in this state bordering on another state and who, because of more convenient roads, distances or other circumstances, has the recommendation of the county superintendent of schools to attend a public school in an adjoining state, may attend such public school. The home county shall pay the school district in such neighboring state the amount of \$75.00 toward the elementary tuition for such pupil. Such elementary students attending public schools in a foreign state shall be counted in the county from which they come in calculating the obligations of said county. The payment of such foreign elementary tuition shall be paid by the home county.

Approved March 7, 1955.

CHAPTER 138

H. B. No. 662
(Sortland, Miller and Engen)

COMPENSATION FOR CLERKS IN COMMON SCHOOL DISTRICTS

AN ACT

To amend and reenact section 15-2515 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to compensation for clerks in common school districts

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

§ 1. Amendment.) Section 15-2515 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2515. Clerk: Duties: Reports: Compensation.) The clerk of the school board shall keep an accurate record of all proceedings of the board, give or post all notices, prepare all reports and statements, and perform all other duties required by law or by direction of the Board. He shall prepare annually an itemized financial report containing a statement of the receipts and expenditures of the district from the beginning of the school year to and including the first Tuesday in June, and a statement of estimated receipts and expenditures to the end of the school year. A copy of such report shall be posted in each school polling place before the opening of the polls on the day of the annual school election, and the clerk shall read the report or cause it to be read immediately preceding

the opening of the polls. His annual compensation shall be fixed by the board in an amount of not less than twenty dollars nor more than twenty dollars if there is no school in operation, and not to exceed one hundred dollars for one school or teacher employed, with twenty dollars for each additional school or each additional teacher employed in the district in operation, but such compensation shall not exceed one hundred sixty dollars in any year except in districts containing more than four townships and operating ten or more schools, or school districts which operate four-year high schools, in which case such compensation shall not exceed two hundred dollars in any year. He shall receive four dollars, for attending general county meetings of school officers convened by the county superintendent of schools. He shall be paid such additional compensation for taking the annual school census as the board may allow.

Approved March 7, 1955.

CHAPTER 139

S. B. No. 158
(Schrock)

ASSESSMENTS, ANNUITIES, WITHDRAWALS, ETC.; TEACHERS INSURANCE AND RETIREMENT FUND

AN ACT

To amend and reenact sections 15-3914, 15-3915, 15-3931, 15-3926 and subsection 1 of section 15-3928 and section 15-3940 of the 1953 Supplement to the North Dakota Revised Code of 1943, and section 15-3923 of the North Dakota Revised Code of 1943, all relating to assessments, annuities, reduced annuities, withdrawals, qualifications and investment of funds of the North Dakota teachers' insurance retirement fund.

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

§ 1. Amendment.) Section 15-3914 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3914. Amount of Assessments.) Every teacher who is a member of the fund shall be assessed upon his salary as teacher as follows:

1. Four percent per annum, but not more than one hundred twenty dollars per year, for each of his first eight years of service as a teacher; and

2. Five percent per annum, but not more than one hundred eighty dollars per year, for each of the second eight years of service as a teacher; and
3. Six percent per annum, but not more than two hundred dollars per year, for each successive year of service as a teacher thereafter.

The total amount of assessments paid, however, shall not be less than the full amount of annuity to which the teacher shall be entitled under the provisions of this chapter for the first year of retirement. When a political subdivision or institution covered by the benefits of the teachers' retirement fund provides sick leave and employs substitute teachers at additional cost to said subdivisions or institutions, they shall in no event be required to pay in excess of one hundred twenty dollars per year as matching fund for any one teaching position.

§ 2. Amendment.) Section 15-3915 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3915. Teacher Coming From School Not Included In Provisions of Chapter To Pay Back Assessments.) Any teacher who comes from a school or educational institution supported by public taxation in another state of this nation including the territories of Alaska and Hawaii and becomes a teacher in a public school or state institution within North Dakota may elect to have not to exceed seven years out of state teaching accredited in North Dakota provided he declares his request to the board of trustees of this fund for such out of state credit within the first year after he begins teaching in North Dakota. Every such teacher shall be advised of the provisions of this section by the school board in writing at the time of employment, and a copy of such notice with written acknowledgment thereof, shall be filed with the teachers' insurance and retirement fund board. Before receiving any retirement annuity, he shall pay assessments to the fund for the number of years out of state teaching he elects based upon his first annual salary in a public school or state institution in this state, or, if he has taught in North Dakota previously, upon his first salary in the state after his resumption of teaching in this state. After July 1, 1949, assessment payments on out of state teaching shall be doubled. The rate of interest shall be six percent, the same interest as required of North Dakota teachers having delinquent assessments within the state.

§ 3. Amendment.) Section 15-3923 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3923. Sum To Be Set Aside From County Tuition Fund and Transmitted To State Treasurer.) Each county treasurer, annually, shall set aside from the county tuition fund a sum equal to twenty cents for each child enumerated on school census report in his county and shall transmit such sum to the state treasurer at the time at which he transmits the funds received from the school boards, boards of education, and board of county commissioners under the provisions of this chapter. The county treasurers shall certify to the board under oath the amount so transmitted to the state treasurer.

§ 4. Amendment.) Section 15-3926 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3926. Investment of Moneys In Fund.) The board, when authorized to do so by a resolution duly adopted by the industrial commission of the state of North Dakota, may invest moneys in the fund in bonds and mortgages or other securities the payment of which is guaranteed by the United States of America, bonds of the state of North Dakota or any other state, refunding bonds provided for by chapter 40-36 of the North Dakota Revised Code of 1943 in certificates of indebtedness of the state of North Dakota or in bonds or certificates of indebtedness of any political subdivisions of the state of North Dakota which constitutes the general obligations of the issuing tax authority. Before any investment is made in any securities, however, the investment shall be approved by the board and the securities shall be approved by the attorney general as to the form and legality thereof. The state treasurer shall be the custodian of all such bonds and certificates, and the board shall deliver any securities so purchased to the state treasurer as such custodian. This section shall constitute a continuing appropriation out of the fund of all moneys that may be required for the making of the investments authorized by this section. Any member of the board and any officer thereof who shall participate in the investment of any moneys in the fund without first having obtained the authorization of the industrial commission as provided in this section shall be guilty of a misdemeanor.

§ 5. Amendment.) Subsection 1 of section 15-3928 of the 1953 Supplement to 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 upon completion of twenty-five years of service and attaining the age of fifty-five nor be less than six hundred dollars in any one year and shall be subject to all the provisions of this chapter. Provided, however, a teacher who has completed twenty-five years of teaching service in compliance with the retirement law and has earned an annuity of twelve hundred dollars at that age and continues to teach beyond the age of fifty-five, shall be eligible to annuity increases of sixty dollars per year up to the maximum annuity of eighteen hundred dollars, and provided further that a teacher who has completed twenty-five years of teaching service in compliance with retirement law and attained the age of fifty-five may have her annuity calculated at that age and granted the six hundred dollar minimum if her total salary is less than thirty thousand dollars. Provided further that if said teacher continues to teach the annuity shall be increased by one hundred dollars per year until the annuity reaches twelve hundred dollars after which time the annuity shall be increased by sixty dollars per year up to the maximum of eighteen hundred dollars.
 - a. A teacher who has completed all requirements for retirement previous to July 1, 1947, may choose to retire under the provisions of the insurance and retirement fund then in effect. This does not preclude, however, continuation of payments to the retirement fund after July 1, 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 1, 1947.
 - c. 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.

- d. 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.
- e. The increased annuity benefits provided through this section shall be available to all teachers who were qualified for an annuity on July 1, 1949 or have qualified since that date and who are now teachers upon the payment of maximum assessments of two hundred dollars per annum less the assessments paid at the time of service plus interest at the rate of six percent from date of service to date of payment. The selection of increased annuity to be made on a voluntary basis.

§ 6. **Amendment.)** Section 15-3931 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3931. Board May Diminish Annuities.) The board may reduce the annuities provided in this chapter ratably whenever, in its judgment, the conditions of the fund require a reduction in such annuities. Before any reduction of annuities of one thousand two hundred dollars or less may be made, all annuities of over one thousand two hundred dollars shall be reduced to one thousand two hundred dollars per year on a prorata basis, except that no annuity shall be reduced below one thousand two hundred dollars until all annuities in excess of one thousand two hundred dollars have been reduced to one thousand two hundred dollars.

§ 7. **Amendment.)** Section 15-3940 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3940. Withdrawal of Member From Fund; Death of Member; Refund.) Any teacher who shall cease to be a teacher in the public schools or state institutions of this state without receiving any benefit or annuity from the fund upon such retirement, upon making written application therefor to the board shall be entitled to the return of one-half of the amount of assessments which he has paid into the fund on salaries earned prior to July 1, 1947, and the return of the full amount of assessments which he has paid into the fund on salaries earned after July 1, 1947 without interest. If such teacher, after having withdrawn from the fund as provided in this section, shall become a teacher again in the public schools or state institutions of this state, he, within one year after he again becomes a teacher, shall return to the fund the amount which was returned to him, with simple interest at a rate to be set by the board, but not exceeding four percent per annum, from the time of such withdrawal. If the teacher who is or

was a member of the fund shall die before he has retired as provided in this chapter his designated beneficiary, or if no beneficiary has been designated, his executor or administrator, or if no executor or administrator has been appointed then the surviving spouse or heirs at law shall be entitled to receive from the fund the total amount without interest to which the beneficiary or heirs may be entitled.

Approved March 9, 1955.

CHAPTER 140

H. B. No. 864
(Delayed Bills Committee)

HIGH SCHOOL TUITION PAYMENTS

AN ACT

Relating to tuition payments for high school students.

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

§ 1. Amendment.) Section 15-4016 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4016. High School Tuition Payments From Fund Are Exclusive, Exception.) No school district shall charge or collect from any nonresident high school student, his parents or guardian, or the district of his residence, any tuition, registration, text book, or laboratory fee, or any other fee or charge which is not charged to or for all resident high school students, and the high school tuition payments made from the fund shall be the only compensation received by a district for the attendance therein of nonresident high school students, except that the district of residence of the high school student may at its discretion agree to make reasonable tuition payments to the receiving district. This chapter, however, shall not affect the right of a school district to charge and collect such tuition as may be fixed by agreement from students who are not residents of this state.

Approved March 7, 1955.

CHAPTER 141

S. B. No. 172

(Nelson, Schrock, Welander and Meidinger)

HIGH SCHOOL TUITION PAYMENTS FROM STATE
EQUALIZATION FUND

AN ACT

To amend and reenact section 15-4014 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to high school tuition payments from state equalization fund, and declaring an emergency.

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

§ 1. Amendment.) Section 15-4014 of the 1953 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 or state school for the blind, or state school for the deaf, or state training school, 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 during the year of 1954-1955 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.

§ 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, 1955.

CHAPTER 142

H. B. No. 708
(Educational Committee)

COUNTY HIGH SCHOOL EQUALIZATION FUND TAX LEVY
AND PAYMENTS

AN ACT

To amend and reenact sections 15-4019, 15-5803, subsections 1, 2, and 3 of section 57-1514, and 57-15251 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to county high school equalization fund tax levy and payments, limitations in school districts, and determination of sums due county tuition funds and county high school equalization funds.

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

§ 1. Amendment.) Section 15-4019 of the 1953 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 equalization payments to be made to each school or school district that has complied 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 equalization payments to be made the product of the taxable assessed valuation of the county multiplied by 1.425 mills. The balance will be the amounts of aid to which the county is entitled for such funds.

§ 2. Amendment.) Section 15-5803 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5803. County High School Equalization 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 to the state school for the blind, state school for the deaf and the state training school, 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 three dollars 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.

§ 3. Amendment.) Subsections 1, 2, and 3 of section 57-1514 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

1. Any school district giving two years of standard high school work may levy taxes not to exceed twenty-four mills;
2. Any school district giving three years of standard high school work may levy taxes not to exceed twenty-seven mills;
3. Any school district giving four years of standard high school work may levy taxes not to exceed thirty mills;

§ 4. Amendment.) Section 57-15251 of the 1953 Supplement

to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-15251. County High School Equalization Fund; Tax Levy.) 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 three mills 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.

Approved March 11, 1955.

CHAPTER 143

H. B. No. 698

(Saugstad, Haugland, Balerud and Dahlund)

BURLINGTON PROJECT PAYMENTS TO SCHOOL DISTRICTS

AN ACT

Authorizing the industrial commission to make payments to certain school districts subject to appropriation.

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

§ 1. Payments From Burlington Project To School Districts.) The state industrial commission is hereby authorized to make such agreements as it may deem appropriate with the Burlington School District Number 7 and St. Mary's School District Number 17, in Ward County, for payments to be made to those school districts annually in amounts to reimburse the schools for the tuition cost of children attending and residing within the Burlington Project area, pursuant to legislative appropriation.

Approved March 11, 1955.

Note: This project is now designated as the "Judge A. M. Christianson Project" pursuant to Senate Concurrent Resolution "J", S.L. 1955.

CHAPTER 144

H. B. No. 856
(Delayed Bills Committee)

TAX LEVY FOR BUILDING FUND PURPOSES FOR CERTAIN
AGRICULTURAL HIGH SCHOOLS

AN ACT

Authorizing a special ten mill levy for certain county agricultural high schools for building fund purposes, and declaring an emergency.

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

§ 1.) Any common or special school district within which there is located a county agricultural and training school in accordance with the provisions of chapter 15-42 of the North Dakota Revised Code of 1943, as amended, and which school is located in a city or village of twelve hundred population or over, shall be authorized upon the approval of the governing board thereof to levy not to exceed ten mills, the proceeds of which shall be paid to the governing board of the county agricultural and training school for building fund purposes, which levy may be over and above any existing mill levy authorization and outside any mill levy limitation prescribed by law.

§ 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, 1955.

CHAPTER 145

H. B. No. 587
(Committee on Education)

AGES OF SCHOOL CHILDREN

AN ACT

To amend and reenact section 15-4701 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to school ages.

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

§ 1. Amendment.) Section 15-4701 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4701. Schools Free and Accessible; School Ages.) The public schools of the state shall be equally free, open, and accessible at all times to all children between the ages of six and twenty-one except that children who do not arrive at the age of six years by midnight, December thirty-first, shall not start school until the beginning of the following school year.

Approved March 8, 1955.

CHAPTER 146

H. B. No. 588
(Committee on Education)

RENEWAL OF TEACHERS' CONTRACTS

AN ACT

To amend and reenact section 15-4727 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to renewal of teachers' contracts.

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

§ 1. Amendment.) Section 15-4727 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4727. Time For Renewal of Teachers' Contracts.) Any teacher who has been employed by any school district or state board of higher education in this state during any school year,

shall be notified in writing by the school board, board of education or state board of higher education, as the case may be, on or before the 15th day of April in the school year in which he or she has been employed to teach, of the board's determination not to renew the teacher's contract for the ensuing school year, and failure to give such written notice on or before said date shall constitute an offer on the part of the board to renew the contract for the ensuing school year under the same terms and conditions as the contract for the then current year. On or after April 15th in any year, the board may notify all teachers of a date, which shall not be less than 15 days after the date of such notice, upon which they will be required to accept or reject such proffered re-employment, and failure on the part of the teacher to accept said offer within such time shall be deemed to be a rejection of the offer. Any teacher who shall have accepted the offer of re-employment, either by the action of the board, or non-action of the board on or before April 15, as herein provided, shall be entitled to the usual written contract for the ensuing school year, as provided by law and shall notify the board in writing of his or her acceptance or rejection on or before May 1. Failure on the part of the teacher to so notify the board shall relieve the board of the continuing contract provision of this Act. Nothing in this section shall be construed as in any manner repealing or limiting the operation of any existing law with reference to the dismissal of teachers for cause.

Approved March 8, 1955.

CHAPTER 147

H. B. No. 545
(Legislative Research Committee)

SCHOOL DISTRICT CONTRACTS FOR JOINT DRIVER EDUCATION

AN ACT

Permitting school districts to make contracts for joint employment of qualified driver education instructors and equipment.

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

§ 1. Contracts of School Districts For Joint Driver Education.) In addition to its general powers to make contracts, any school district may contract with any other school district for the joint use or employment of qualified driver education

instructors, driver training cars, or equipment to be used in establishing complete driver training courses in the respective school districts.

Approved March 2, 1955.

CHAPTER 148

H. B. No. 727
(Larson)

CONDUCT OF SCHOOL ELECTION FOR INCREASING
DEBT LIMIT

AN ACT

To amend and reenact section 15-4803 of the North Dakota Revised Code of 1943, relating to school elections.

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

§ 1. Amendment.) Section 15-4803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4803. Conduct of Election; Ballots; Hours Polls Open.) Printed or typewritten ballots shall be used in submitting the question of increasing the debt limit at any election, and the question to be voted upon shall be set forth on the ballot in clear and concise language. On such ballots there shall be printed or typewritten, below the question to be voted upon, the following words and characters:

For Increasing the Limit of Indebtedness.....

Against Increasing the Limit of Indebtedness...

Such election shall be conducted, and the votes shall be canvassed as in the case of other school elections within such districts.

Approved March 7, 1955.

CHAPTER 149

H. B. No. 640

(Larson, Hofstrand and Leet)

SCHOOL PURCHASING AGENT—COMMISSIONS

AN ACT

To prohibit the offering or giving of commissions, fees or rewards to the agent of any school or school district for or on account of the purchase of any school books, furniture or other supplies for the use of such school, school district, employees thereof, or students, and to provide a penalty.

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

§ 1. Offering Or Giving Commission, Fee Or Reward To School Purchasing Agent Prohibited; Penalty.) It shall be unlawful for any person to give or offer to any county superintendent of schools, deputy county superintendent of schools, school district director, member of a board of education, clerk, treasurer, or principal of any accredited school or to a teacher or employee therein or for such persons to receive, any commission, fee, reward or remuneration for or on account of a purchase of school books, furniture or other supplies for use of the school district, school, their employees, or students. Any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of one thousand dollars or by imprisonment in the county jail for one year, or by both such fine and imprisonment.

Approved March 11, 1955.

CHAPTER 150

H. B. No. 649

(Hofstrand, Engen and Link)

TRANSPORTATION IN REORGANIZED SCHOOL DISTRICTS

AN ACT

To amend and reenact section 15-5315 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to transportation in reorganized school districts.

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

§ 1. **Amendment.**) Section 15-5315 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5315. Transportation Required.) After the effective date of this Act any reorganization plan shall provide for the transportation of students from one part of such new district to a central point, and shall specify if family type or public school bus type of transportation shall be used, and if such plan is approved by the voters of such new district, then it shall be mandatory upon the school board of such new school district to provide adequate and practical transportation of the type specified, except that if family type transportation is specified, the school board may later substitute a superior type of public school bus transportation. Any school district reorganized prior to or after the effective date of this Act which provides family conveyance type of transportation shall not be bound by the schedules of fees or limitations provided in section 15-3404 of the 1953 Supplement to the North Dakota Revised Code of 1943, and shall establish such schedule of transportation fees as may be proper under the circumstances affecting that district, but in no event shall such newly established schedule of fees be less than twice the amounts specified in section 15-3404 of the 1953 Supplement to the North Dakota Revised Code of 1943 for family conveyance type transportation.

Approved March 7, 1955.

CHAPTER 151

H. B. No. 643
(Strand, Berntson and Isakson)

LEVY OF TAXES IN REORGANIZED SCHOOL DISTRICTS

AN ACT

Relating to levy of taxes in reorganized school districts, and permitting adjustment of the tax burden equitably between merged rural and urban areas.

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

§ 1. Reorganized School Districts; Proportionate Rate of Tax.) Where any school district is in the process of being formed or reorganized under the provisions of chapter 15-53 of the 1953 Supplement to the North Dakota Revised Code of 1943, the county committee shall include in its reorganization plan submitted under the provisions of section 15-5310 of the 1953 Supplement to the North Dakota Revised Code of 1943, a recommendation for a proportionate rate of tax for school purposes to be levied on and between agricultural land and personal property having taxable situs on agricultural land as one class of property within the proposed reorganized school district, and other taxable property as a second class of property in the same school district, where an unequal tax burden would result from a uniform rate of tax on all property in the district. This proportionate rate between classes of property shall be approved, disapproved, or adjusted by the state committee.

§ 2. Alteration of Proportionate Rate.) After approval or adjustment by the state committee, the proportionate rate of tax between the two classes of property set forth in section 1 of this Act shall not be altered by the school board of the new district without approval by vote of a majority in each class of the respective taxpayers affected. For the purposes of such vote, a person may vote as a member of one class only, and where there is a conflict in his interests because he will pay taxes under this Act on properties in both classes, he shall vote as an owner of the class of property on which his residence is situated.

§ 3. Definition.) For the purposes of this section "agricultural lands" shall have the same meaning and classification as "agricultural lands" within the purview of subsection 15 of section 57-0208 of the North Dakota Revised Code of 1943

wherein farm structures and improvements located on such lands are in a class for tax exemption.

Approved March 17, 1955.

CHAPTER 152

H. B. No. 613
(Power)

PAYMENT OF PUBLICATION COSTS IN SCHOOL DISTRICT
REORGANIZATION PROCEEDINGS

AN ACT

Relating to the payment of publication costs in school district reorganization proceedings.

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

§ 1. Publication Costs.) All costs of publishing such notices as may be required in school district reorganization proceedings as provided in chapter 15-53 of the 1953 Supplement to the North Dakota Revised Code of 1943 shall be paid by the district or districts initiating such proceedings should the reorganization plan fail to be approved by the voters at the election at which the plan is submitted. Should such reorganization plan be approved at the election, all such costs shall be paid by the newly reorganized school district.

Approved March 8, 1955.

CHAPTER 153

H. B. No. 786

(Committee on Appropriations)

TAX EXEMPT BOND ISSUE FOR BUILDINGS AT INSTITUTIONS
OF HIGHER LEARNING

AN ACT

To authorize the state board of higher education to issue tax exempt bonds and construct revenue producing buildings at institutions of higher learning, under the provisions of chapter 15-55 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1.) In accordance with the provisions of chapter 15-55 of the 1953 Supplement to the North Dakota Revised Code of 1943, the state board of higher education is hereby authorized and empowered to issue and sell tax exempt bonds for the purpose of constructing revenue producing buildings at institutions of higher learning, under the jurisdiction of the said board, at such maximum amounts, at such locations, and for such purposes as hereinafter provided:

1. University of North Dakota, Grand Forks
 - a. Permanent housing\$297,000.00
 - b. Men's dormitory 600,000.00
 - c. Women's dormitory 450,000.00
2. North Dakota agricultural college, Fargo
 - a. Dormitory 600,000.00
 - b. Permanent housing 300,000.00
3. State teachers college, Valley City
 - a. Men's dormitory 275,000.00

Approved March 10, 1955.

CHAPTER 154

H. B. No. 717
(Committee on Education)

ELEMENTARY PER PUPIL PAYMENTS FROM THE
COUNTY TUITION FUND

AN ACT

To amend and reenact section 15-5601 of the 1953 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 1953 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 fifty 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 fifty dollars for ten pupils or less in a school;
3. To districts receiving payments under subsections 1 and 2 of this section, seventy-five 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 five dollars per pupil for eighteen pupils or less average enrollment per room in the school, and the sum of eighteen hundred ninety dollars for each room in which eighteen or more pupils are enrolled, or seventy-five 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 including the state school for the blind, the state school for the deaf and the state training school, seventy-five

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.

6. It is further provided that districts with a one-room rural school or schools closed subsequent to July 1, 1949 shall receive payments under subsections 1 and 2 of this section providing the school board has made a written agreement for the attendance of the pupils in another public school and vehicular transportation is furnished. Districts receiving payments under subsections 1 and 2, where less than four pupils are enrolled, shall receive a proportional amount of the payments provided in such subsections as the total enrollment bears to four.

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 11, 1955.

CHAPTER 155

S. B. No. 133
(Schrock)

CERTIFICATION OF CANDIDATES FOR TEACHING SCHOLARSHIPS

AN ACT

To amend and reenact sections 15-5704 and 15-5707 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to teaching scholarships.

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

§ 1. Amendment.) Sections 15-5704 and 15-5707 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

15-5704. Certification of Candidates and Alternates.) On or before July fifteenth of each year the county superintendent

of schools of each county in this state shall certify to the board, the names of six candidates and six 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.

15-5707. Selection of Additional Candidates At Large.) If a county fails to provide six candidates who accept the scholarship by August fifteenth, of each year the board may accept alternates from other counties. If less than three hundred eighteen 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.

Approved March 1, 1955.

CHAPTER 156

H. B. No. 702
(Committee on Education)

LIMITATIONS OF SCHOOL CONSTRUCTION FUND PURPOSES AND EXPENDITURES

AN ACT

To amend and reenact section 15-6004 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the limitations of purposes and amount expended from the school construction fund.

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

§ 1. Amendment.) Section 15-6004 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-6004. Limitations of Purposes and Amount Expended.) The governing board shall limit the total amount expended for construction or improvements for any district to 10 per cent of its taxable valuation and under extreme emergency conditions the board may expend 15 per cent of its taxable valuation, but in no case shall the amount expended to any one school district exceed one hundred fifty thousand dollars. Be it further

provided that the governing board may expend ten per cent of its taxable valuation to school districts having a taxable valuation of one million five hundred thousand dollars or more, but not to exceed four hundred thousand dollars to any one school district. Be it further provided that no money shall be expended for gymnasiums or auditoriums except that in event an entire school unit is constructed, the auditorium or gymnasium may be considered as part of the total plant and the district may be eligible, provided priority shall first be given the construction and improvements of school units not including an auditorium or gymnasium.

Approved March 7, 1955.

ELECTIONS

CHAPTER 157

H. B. No. 739

(Brooks, Baldwin and Simonson)

POLLING HOURS

AN ACT

To amend and reenact section 16-0102 of the North Dakota Revised Code of 1943, relating to opening and closing of polls at primary and general elections and providing for extension of polling hours in any precinct upon resolution of the governing body of the city, village, or township in which such precinct is located.

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

§ 1. **Amendment.)** Section 16-0102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0102. Opening and Closing of Polls.) The polls at all primary and general elections shall be opened at nine o'clock a.m. or at such earlier hour, but not earlier than seven o'clock a.m., that may be designated for any precinct by resolution of the governing body of the city, village, or township in which such precinct is located. They shall remain open continuously until seven o'clock p.m. Twenty minutes prior to the hour of closing the polls, the inspector shall proclaim to the electors outside the number of minutes before the polls will be closed.

Approved February 28, 1955.

CHAPTER 158

H. B. No. 686

(Haugland, Saugstad)

(Simonson of Cass, 9th District)

(Brooks and Baldwin)

ELECTION OFFICERS; COMPENSATION

AN ACT

To amend and reenact section 16-1016 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to election officers and their compensation.

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

§ 1. **Amendment.)** Section 16-1016 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1016. Compensation of Inspector, Judges and Clerks of Election.) Each inspector, judge, or clerk of any statewide primary, general, or special election, for services performed by him at such election shall receive as compensation therefor the sum of eight dollars. When the number of votes cast at such election exceeds one hundred, such officers shall receive two dollars for each additional one hundred votes cast or major fraction thereof.

Approved March 1, 1955.

CHAPTER 159

H. B. No. 821
(Baldwin, Brooks)

VOTING MACHINES**AN ACT**

Authorizing the use of voting machines in election precincts upon county and city authorization and agreement; providing for standards of construction and operation of such machines, for procedure in use, for application of other election laws and for penalties; amending and reenacting sections 16-1103, 16-1104, 16-1105, 16-1107, 16-0901, and 16-0902 of the North Dakota Revised Code of 1943.

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

§ 1.) The use of voting machines, in accordance with the provisions of this Act, is hereby authorized in any city election precinct upon finding and declaration by resolution of the governing body of the city and also of the board of county commissioners of the county in which such city is located that such use is advisable or necessary in such precinct and procurement of such machines, on a temporary or permanent basis, under such terms and conditions, including assumption and division of cost of acquisition and maintenance by the city and county, as may be agreed upon by the respective boards, and such machines may thereupon be used in any state, county, city, or district election in such precinct or other voting area of which such precinct is a part.

§ 2.) Any voting machine used in an election in this state shall:

1. Provide facilities for voting for such candidates as may be nominated, for persons not in nomination, and upon such questions or measures as may be submitted to the voters;
2. Permit each voter to vote for as many persons for any office as he is entitled to vote for and to vote in primary elections for candidates for nomination by the political party of his choice but it shall preclude each voter from voting for more persons for any office than he is entitled to vote for, from voting more than once for the same candidate or upon the same measure or question submitted to the voters, or voting the ballot of more than one political party in any primary election;

3. Permit each voter to change his vote for any candidate, or upon any measure or question submitted to the voters, up to the time he begins the final operation to register his vote;
4. Permit and require voting in absolute secrecy, and shall be so constructed and controlled that no person can see or know for whom any other elector has voted or is voting, save a voter whom he has assisted or is assisting in voting, as prescribed by law, and that no person may see or know the number of votes registered for any candidate or tamper with any of the registering mechanism;
5. Have a counter, or other device, the register of which is visible at all times from the outside of the machine, which shall show during any period of voting the total number of voters who have operated the machine during said period of voting and have a protective counter, or other device, which shall record the cumulative total number of movements of the operating mechanism;
6. Be provided with a lock or locks, by the use of which, immediately after the polls are closed, or the operations of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented;
7. Be so constructed that when properly operated it shall register or record correctly and accurately every vote cast; and
8. Be so constructed that a voter may readily learn the method of operating it.

§ 3.) Voting machines shall remain locked for ten days next following use at an election and as much longer as may be necessary or advisable because of any existing or threatened contest over the results of the election, except that they may be opened and all data and figures therein examined upon the order of any court of competent jurisdiction.

§ 4.) Election officers shall make returns of votes cast upon voting machines for all candidates and for any measures or questions in the same manner as now or hereafter provided by law insofar as such provisions of law are applicable. All other provisions of law in relation to the conduct of elections not inconsistent with the provisions of this Act shall apply to all elections at which voting machines are used.

§ 5.) Any election officer or other person who shall violate any of the provisions of this Act or who shall tamper with,

or injure, or attempt to injure any voting machine to be used or being used in any election, or who shall prevent or attempt to prevent the correct operation of any such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election shall be guilty of a misdemeanor.

§ 6. Amendment.) Section 16-1103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1103. Official Ballots Only To Be Used.) The official ballot prepared by the county auditor or the local clerk shall contain the name of each candidate whose name has been certified to or filed with such auditor or clerk in the manner provided in this title. Ballots other than those prepared by the county auditor or local clerk shall not be cast or counted in any election at which official ballots are required by this title. The list of officers and candidates and the statements of measures and questions to be submitted to the voters shall be deemed an official ballot in precincts in which voting machines are used.

§ 7. Amendment.) Section 16-1104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1104. Form and Quality of Ballots Generally.) All official ballots prepared under the provisions of this title for use in precincts in which voting machines are not used:

1. Shall be white in color;
2. Shall be of uniform quality of paper printed in black ink;
3. Shall be of sufficient length to contain all the names of the candidates to be voted for at such election;
4. Where more than one person is to be elected to an office, immediately under the designation of the office to be voted for, shall have printed thereon the following words: "Vote for (number) name only";
5. Shall have printed thereon "Mark X after name to be voted for";
6. Under the name of each candidate there shall be left sufficient space to write or paste a name in lieu of the one printed on the ballot; and
7. On the same line with the name of each candidate and at the end of his name there shall be a space enclosed

in a square of black lines in which the voter may designate by a cross or other mark his choice for each candidate opposite the name of such candidate.

In precincts in which voting machines are used, the list of officers and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating as far as possible the requirements of this section.

§ 8. Amendment.) Section 16-1105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1105. Form of General Election Ballot.) The official ballots provided for in this title for partisan election at general elections in precincts in which voting machines are not used shall be prepared as follows:

1. The ballots shall be of sufficient width to contain all of the tickets to be voted for, under the appropriate party designation for each;
2. On the left hand side of such ballot shall be a column designating the office to be voted for, and on the same line, in the column under the appropriate party designation of each, all of the names of the candidates duly nominated for that office shall be printed;
3. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing in the same manner as is provided in the primary election ballot; and
4. The names of all persons nominated by petition shall be placed in one or more columns under the designation of "individual nominations" in the lines respectively specifying the offices for which they are nominated.

In precincts in which voting machines are used, the list of offices and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating as far as possible the requirements of this section.

§ 9. Amendment.) Section 16-1107 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1107. Constitutional Amendments and Initiated and Referred Measures; Placed On Separate Ballots; Publishing.) Constitutional amendments duly certified to the county auditor by the secretary of state, or any question to be voted for aside

from the election of public officers, shall be printed on a separate ballot and shall be deposited in a box separate from that provided to receive the ballots for public officers. A constitutional amendment, initiated or referred measure, or other question shall be stated fully and fairly on such ballot, and the words "Yes" and "No" shall be printed on the ballot at the close of the statement of the question, in separate lines with a square formed of black lines after each statement in which the voter may indicate by a cross or other mark how he desires to vote on the question. Where two or more amendments or questions are to be voted on, they shall be printed on the same ballot. In precincts in which voting machines are used, the entire amendment or measure need not be set forth on such machine but the ballot title, in the case of amendments or measures submitted by the people, or the title of the legislative bill or resolution, in the case of proposed amendments submitted by the legislative assembly, shall be set forth in full.

§ 10. **Amendment.)** Section 16-0901 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0901. Board of County Commissioners May Divide County Into Precincts; Preservation of Boundaries; Number of Electors.) The board of county commissioners may divide the county into precincts and establish the boundaries of the same except where, pursuant to the provisions of the title Municipal Government, wards and precincts have been legally established. The entirety of civil townships, cities, or villages shall be preserved as precincts except when such preservation would be in conflict with the provisions of this chapter. In such a case, the civil township, city, or village, except as provided in this chapter, shall be divided into two or more precincts, but in no case shall a precinct be composed of parts of two civil townships, or part of a township and of a city or village, except as provided in this chapter. No precinct in which voting machines are not used shall contain more than five hundred electors.

§ 11. **Amendment.)** Section 16-0902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0902. Precinct Divided Into Two Precincts When More Than Five Hundred Votes Cast In Precinct.) If more than five hundred votes are cast in any election in a precinct in which voting machines are not used, the inspector of such precinct shall report such fact to the board of county commissioners, or, if the precinct is in a city or village, to the governing board thereof, and such board at its next regular meeting shall divide

such precinct into two precincts as nearly equal to each other in voting strength as may be possible.

Approved March 10, 1955.

CHAPTER 160

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

PRECINCT COMMITTEEMEN—CANDIDATES

AN ACT

To amend and reenact section 16-1703 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to petitions to place the names of candidates for precinct committeemen on the ballot.

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

§ 1. **Amendment.)** Section 16-1703 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1703. Petition To Place Name On Precinct Committeemen Ballot; Contents; Requirements.) Candidates for precinct committeemen may have their names placed on separate party ballots of their respective parties within their respective precincts by filing with the county auditor not more than forty nor less than thirty days and before four o'clock p.m. of the thirtieth day prior to the election petitions bearing the signatures of not less than five percent of the last vote in such precinct for the aforesaid candidate for presidential elector of the party to which the candidate for precinct committeeman belongs. Such nominating petitions shall conform with the provisions of chapter 4 of this title in all matters not specifically provided for in this chapter. Each name on the petition shall be that of a qualified voter of the precinct of which the candidate seeks to be elected and shall be subscribed under a party heading. Each signer of a nomination paper shall be entitled to sign the same number of petitions as the number of precinct committeemen entitled to be elected in his precinct; he shall add his residence with the street number, if any, and the date of signing.

Approved March 1, 1955.

FIRES

CHAPTER 161

H. B. No. 572
(Brown)

REPORTS OF FIRES AND LOSSES BY INSURANCE COMPANIES

AN ACT

To amend and reenact section 18-0105 of the North Dakota Revised Code of 1943, relating to reporting fires and losses by fire insurance companies to state fire marshal.

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

§ 1. Amendment.) Section 18-0105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0105. Fire Insurance Companies To Report Fires and Losses To State Fire Marshal.) Each fire insurance company authorized to transact business in this state is hereby required to report to the state fire marshal through the secretary or other officer of the company designated by the board of directors for that purpose, all fire losses on property insured in the company, giving the name of the insured and of the occupant of each property, the date of the fire, the amount of probable loss, the character of property destroyed or damaged, and the supposed cause of the fire together with the amount of insurance carried by the company. Provided, however, the commissioner may waive the reporting of such losses which are deemed unimportant because of the small amount involved to the end that a saving in time and expense will result. This report shall be mailed to the state fire marshal as soon as possible after notice of loss is received by the company. Each company is hereby required to report the amount of loss adjusted on each fire after the adjustment is made. This report shall be in addition to, and not in lieu of, any report the company may be required to make by any law of this state to the commissioner of insurance.

Approved February 23, 1955.

CHAPTER 162

H. B. No. 680

(Erickson of Bottineau, Power, Magnuson, Sommer and Vinje)

FOREST FIRE PREVENTION

AN ACT

Under which the state forester will provide for fire prevention, detection and suppression in the forested areas of North Dakota.

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

§ 1.) The state forester of North Dakota is vested with the power, authority and jurisdiction in all matters relating to the prevention, detection and suppression of forest fires outside the limits of incorporated villages and cities in the forest protection districts as established.

§ 2.) The term "forest fires" as used in this chapter means uncontrolled, wild, or running fires occurring on forest, marsh, field or other lands or involving farm, city or village property and improvements incidental to the uncontrolled, wild or running fires occurring on forest, marsh, field or other lands.

§ 3.) The state forester may cooperate with departments of this or other states, with federal agencies or with counties, towns, corporations or individuals to the best interest of the people and the state, in forest surveys, research in forestry, forest protection and in assistance to landowners to secure adoption of better forestry practice.

§ 4.) a. Whenever it shall appear to the state forester from investigation, hearing or otherwise that areas in the state are in need of special protection from forest fires, the state forester shall be authorized to designate and establish a forest protection district on such areas. The limits of each such forest protection district shall be defined, and public notice of its establishment shall be published in the local press of the region affected for three successive times, and given such other publicity as the state forester deems necessary.

b. The state forester shall organize each forest protection district so as to most effectively prevent, detect and suppress forest fires, and to that end may employ experienced wardens or forest rangers to have charge of its efforts in each such district; may subdivide each district into patrol areas; may establish lookout towers, construct ranger stations, telephone lines or other communication systems, purchase tools for fire

fighting as well as other necessary supplies or equipment, and carry on all other activities considered necessary to effectively protect the district from such fires, including the promulgation of rules and regulations for the payment of fire fighters, the preparation of notices and forms for publication and the disposition and effective use of all fire fighting equipment or property. All property or equipment purchased by the state shall be owned by the state, but counties or towns may purchase and own equipment for fire suppression and the same shall be used for the improvement of the forest fire fighting organization.

c. The state forester may deputize additional fire wardens who shall be called emergency fire wardens and who shall serve during the fire season or for such temporary periods as may be determined by the state forester.

d. Each county included wholly or partially in a forest protection district may appoint a committee to cooperate with the state forester and to consider all matters relating to fire prevention, detection and suppression in such county, including the payment of fire fighters, the purchase of fire fighting equipment and all matters or details relating to or arising from the prevention, detection and suppression of such fires.

§ 5.) a. Forest rangers, fire wardens, emergency fire wardens and other duly appointed deputies shall take prompt action against the spread and illegal setting of forest fires. They shall have the power of sheriffs to arrest, without warrant, for violations of the statutes relating to such fires. They may execute and serve all warrants and processes issued by any justice of the peace or police magistrate, or by any court having jurisdiction in the same manner as any constable may serve and execute such processes, and to arrest any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of a violation of any of the provisions of the statutes relating to forest fires, and to take such person before any court in the county where the offense was committed and make proper complaint.

b. They shall have the authority to call upon any able-bodied citizen to assist in fighting such fires in such manner as they may direct.

c. All such forest rangers, fire wardens, emergency fire wardens and other duly appointed deputies may in the performance of their official duty go on the lands of any person or corporation to fight forest fires, and in doing so may set back fires, dig trenches, cut and plow fire lines or carry on all other activities customary in the fighting of forest fires, without incurring liability to anyone.

Approved March 12, 1955.

FOODS, DRUGS, OILS, AND COMPOUNDS

CHAPTER 163

S. B. No. 155
(Foss and Bilden)

SALES OF NARCOTIC DRUGS BY APOTHECARIES

AN ACT

To amend and reenact section 19-0310 of the North Dakota Revised Code of 1943, relating to sales by apothecaries.

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

§ 1. **Amendment.**) Section 19-0310 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0310. Sales By Apothecaries.) Sales of narcotic drugs may be made by apothecaries in accordance with the following provisions of this section:

1. An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of the provisions of this chapter. The prescription shall not be refilled;
2. The legal owner of any stock of narcotic drugs in a pharmacy, upon ceasing to deal in said drugs, may sell such stock to a manufacturer, wholesaler, or apothecary, but only on an official written order;

3. An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty percent of the complete solution, to be used for medical purposes.

§ 2.) An apothecary may dispense narcotic drugs upon oral prescription pursuant to regulations promulgated by the U. S. commissioner of narcotics under the federal narcotic laws.

Approved March 5, 1955.

CHAPTER 164

S. B. No. 61

(Dewing, O'Brien, Livingston)

PROFESSIONAL USE OF NARCOTIC DRUGS

AN ACT

To amend and reenact section 19-0311 of the North Dakota Revised Code of 1943, relating to the professional use of narcotic drugs.

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

§ 1. **Amendment.)** Section 19-0311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0311. Professional Use of Narcotic Drugs.) Narcotic drugs may be used professionally in accordance with this section:

1. Physicians, Dentists and Doctors of Surgical Chiropody. A physician or a dentist or a doctor of surgical chiropody, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision;

2. Veterinarians. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

Approved March 2, 1955.

CHAPTER 165

H. B. No. 838

(Roan, Ettestad, Fleenor, Rose and Laske)

IMITATION ICE CREAM

AN ACT

To amend and reenact sections 19-0601, 19-0602, 19-0603, 19-0604, 19-0605 and 19-0606 of the North Dakota Revised Code of 1943, relating to the sale of imitation ice cream.

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

§ 1. Amendment.) Section 19-0601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0601. Definitions.) In this chapter unless the context or subject matter otherwise requires:

1. "Ice milk" is any frozen substance, mixture, or compound which is not ice cream, milk sherbet, ice, or frozen or frosted malted milk as the same are defined by the department, regardless of the name under which it is sold or offered for sale:
 - a. If the freezing of such substance, mixture, or compound is accompanied by agitation of the ingredients thereof;
 - b. If such substance, mixture, or compound is made in imitation or semblance of ice cream;
 - c. If such substance, mixture, or compound is prepared or frozen in the same manner as ice cream is customarily prepared or frozen; or
 - d. Ice milk shall contain a minimum of 4 percent milk fat and a maximum of 6 percent milk fat and shall weigh at least four and one half pounds avoirdupois per gallon and shall contain a minimum of 12 percent milk solids not fat.
2. "Retail dealer" is any person, firm, or corporation operating a store, stand, or other place where ice milk is sold to consumers;
3. "Peddler" is any person selling or vending ice milk directly to the consumer at any place other than at a store, stand, or other fixed place of business.
4. "Department" shall mean the department of agriculture and labor.

§ 2. Amendment.) Section 19-0602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0602. Unlawful To Sell Ice Milk At Retail Without License.) No person shall sell, exchange or offer for sale at retail or have in his possession with intent to sell, offer for sale or for exchange at retail in this state, any ice milk without first having obtained a license therefor from the department.

§ 3. Amendment.) Section 19-0603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0603. Application For License.) Any person making application for a license to sell at retail, or peddle ice milk shall make the same upon a form prescribed by the department, and shall show the name of the county in which the applicant seeks to do business and the location of his place of business if he is a retailer.

§ 4. Amendment.) Section 19-0604 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0604. Licenses; Term; Revocation.) A license for the retailing or peddling of ice milk shall be issued by the department for a period of one year beginning on the first day of January of the year of issue and terminating on the thirty-first day of December following the date of issuance thereof. Each license shall cover but one retail dealer or peddler, and shall be good only in the county for which it was issued. If issued to a retail dealer, it shall cover but one place of business, and if issued to a peddler, it shall cover but one county. A license issued under this chapter shall not be transferable, and the department may revoke any such license for a violation of any provision of this chapter.

§ 5. Amendment.) Section 19-0605 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0605. License Fees.) The fees for licenses to sell or peddle ice milk shall be as follows:

1. Retail dealer, fifty dollars;
2. Peddler, ten dollars.

No license shall be issued until the applicant has paid the required fee.

§ 6. Amendment.) Section 19-0606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0606. Person Selling Ice Milk To Give Notice To Purchasers.) Any person selling ice milk to consumers shall display a sign so placed or carried as to be easily read by purchasers bearing the words "ice milk" in letters at least two inches in height and one inch in width.

Approved March 19, 1955.

GAME, FISH, AND PREDATORS

CHAPTER 166

S. B. No. 45

(Legislative Research Committee)

LAND MANAGEMENT IN HEART BUTTE RESERVOIR

AN ACT

To amend and reenact section 20-0125 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the management of lands in the Heart Butte area and the expenditure of revenue derived therefrom.

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

§ 1. Amendment.) Section 20-0125 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0125. Land Management In Heart Butte Reservoir; Expenditure of Revenue.) The game and fish commissioner, with the approval of the governor, shall have authority to enter into agreements with the bureau of reclamation for the management of lands in the Heart Butte area acquired for the construction of dams on lakes or streams by the bureau. Any revenues derived from the management of such lands or received from any federal agency for expenditure upon such lands shall not be commingled with other game and fish funds, but shall be deposited by the commissioner in a separate account and such funds are hereby appropriated for expenditure for such purposes as may be agreed upon by the bureau of reclamation, the federal fish and wildlife service, the national park service, and the game and fish commissioner, providing the authority herein granted shall be effective only until such time as the lands are resold to the former land owners by the bureau of reclamation.

Approved March 3, 1955.

CHAPTER 167

S. B. No. 46

(Legislative Research Committee)

GARRISON DAM RESERVOIR—PLANTING PROGRAM

AN ACT

Authorizing the game and fish commissioner to cooperate with the army corps of engineers in planting replacement cover along the Garrison Dam reservoir, and declaring an emergency.

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

§ 1.) The game and fish commissioner is hereby authorized to cooperate with the army corps of engineers in the planting of shrubs, trees, and other wildlife habitat upon selected sites along the Garrison Dam reservoir. The commissioner shall be authorized to supervise and carry on such a planting program by using department funds upon a reimbursable basis, and all funds received from the army corps of engineers for the furtherance of such project, to the extent of two hundred seventy-five thousand dollars, are hereby appropriated to the game and fish department for reimbursement of other department funds expended and for expenditure in such planting program in accordance with the authorization contained in 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 March 5, 1955.

CHAPTER 168

H. B. No. 676

(Saugstad, Magnuson, Power and Berntson)

GAME AND FISH LICENSES

AN ACT

To amend and reenact section 20-0302 of the 1953 Supplement to the North Dakota Revised Code of 1943 and section 20-0310 of the North Dakota Revised Code of 1943, relating to game and fish licenses.

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

§ 1. **Amendment.**) Section 20-0302 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0302. Licenses To Hunt, Fish, or Trap Not Required of Residents; When; Exceptions.) Subject to the other provisions of this title:

1. Any resident of this state, or any member of his family residing customarily with him, may hunt, fish, or trap during the open season without a license upon land owned or leased by such resident. No such person, however, shall trap, take or kill beaver, nor hunt, take or kill deer without first having procured a limited license to take beaver, or a big game hunting license, as the case may be, as prescribed in this title, but upon the execution and filing of an affidavit by any person owning or leasing land within a district opened for the hunting of deer, such person shall receive a license to hunt deer upon such land described in said affidavit without charge therefor, and such license so issued without charge shall have endorsed on it the description of such land and it may be used to hunt deer only upon such land; and
2. Any resident of this state under the age of sixteen years or sixty-five years of age or over may fish without first having obtained a resident fishing license as prescribed in this chapter.

Provided further that deer hides may be sold when legally taken and properly tagged.

§ 2. **Amendment.**) Section 20-0310 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0310. License To Hunt Big Game Required; Penalty.) No person shall hunt, kill, take, or attempt to take in this state any big game without having a big game hunting license as prescribed in this chapter. No big game hunting license shall be sold to any person or purchased for any person under the age of fourteen years, but the age limitation herein prescribed shall not apply to applicants for big game licenses for hunting big game by bow and arrow during any open bow and arrow season. Any person violating the provisions of this section is 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 twenty 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 March 2, 1955.

CHAPTER 169

H. B. No. 576

(Leet and Hegge)

(at the request of the)

(Game and Fish Department)

FISH REGULATIONS

AN ACT

To provide for the regulation of propagation, taking, catching, destroying, and disposing of fish in this state; to provide for the regulation of bait vendors; to provide for the regulation of construction and maintenance of fishways; providing a penalty; and to repeal sections 20-0316, 20-0317, 20-0601, 20-0602, 20-0603, 20-0606, 20-0607, 20-0608, 20-0609, 20-0610, 20-0612, 20-0613, 20-0614, and 20-0615 of the North Dakota Revised Code of 1943, and to repeal sections 20-0314, 20-0315, 20-0604, 20-0605, 20-0611, and 20-0616 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Fishing Seasons.) No person, except as provided by section 6 of this Act shall take, attempt to take, catch or kill any species of fish except during the open and lawful season for the taking thereof as provided in the governor's order or proclamation.

§ 2. Exchange or Propagation of Fish.) No individual, club, society, or person shall take any fish from any of the waters

of this state for exchange, propagation or scientific purposes except under the supervision of the commissioner.

§ 3. Legal Size Fish.) No person at any time, shall take, catch, kill, have in his possession or under his control any fish whose size is less than that prescribed and made legal by the governor's order and proclamation. Any person catching any fish that is under the legal size limit, immediately shall return the same to the water from which it was taken, with as little harm as possible to such fish.

§ 4. Method of Taking Fish.) No person, except as otherwise provided in section 6 of this Act or by governor's order or proclamation, shall take, catch, kill, or destroy any fish in any waters in this state in any manner other than provided by governor's proclamation.

§ 5. Possession of Seines, Set Lines, Fish Traps.) No person, other than those authorized by the commissioner, except as otherwise provided in sections 6 and 7 of this Act, shall set, use or have in his possession, or transport other than by public carrier, any set nets, seines, set lines or fish traps. Any person found setting, using, in possession of or transporting other than by public carrier, any set net, set line, seine or fish trap, except as provided in sections 6 and 7 of this Act, shall be deemed to be in possession of a public nuisance, and the commissioner or any bonded game warden or any peace officer shall, without warrant or process, seize the same and hold subject to the order of a court of competent jurisdiction.

§ 6. Removing Undesirable Fish.) The commissioner or any person authorized by him or with him contracting for that purpose, may kill or take from any waters of this state, any fish in any manner prescribed by the commissioner when in his judgment, it is in the best interest of public fishing. All fish so killed or taken shall be disposed of at the discretion of the commissioner and the money derived from the disposal thereof, may be used to defray the costs of such removal operation. Any money so derived and in excess of the cost of the removal program is hereby appropriated into the game and fish fund. All money received and expended shall be itemized and written records thereof shall be kept in the office of the commissioner. Any person desiring to contract with the commissioner for the taking of such fish as may be determined by the commissioner from the Missouri or Yellowstone Rivers, by means of not more than five hoop-nets or traps, or not more than five set-lines of ten hooks or not more than one hundred feet of seine, shall be awarded such contract upon the payment of five dollars for each hoop-net or trap, one dollar for each set-line and five dollars for each seine of fifty feet or any

fraction thereof. Such contracts shall not specify the disposition of the fish.

§ 7. Illegal Methods For Taking Fish.) No person except as provided in section 6 of this Act shall lay, set or use any drug, poison, lime, medicated bait, fish berries, dynamite or other lethal or injurious substance whatever; or lay, stretch or place any tip-up snare, trap, set or trot line, wire string, rope or cable of any sort in any of the waters of this state for the purpose of catching, taking, killing or destroying any fish. A minnow seine not more than twenty-five feet in length may be used, however, by those holding a bait vendor's license for the taking of minnows for bait. Dip nets may only be used as an aid in landing fish which have been legally taken by hook and line. One minnow trap per license holder, other than those holding bait vendor's license, may be used for the purpose of taking bait minnows. Such trap shall not be larger than specified in the governor's proclamation and shall be emptied at least once in every forty-eight hour period.

§ 8. Fish Houses, License Thereof, Removal.) No person except as provided in section 6 of this Act shall erect, have or maintain on the ice in any waters of this state any fish house 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 fifteenth 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. Each unit shall be removed from the ice within fifteen days after the close of the period for which the license was issued. Failure to so remove such unit, shall be deemed an abandonment and the commissioner is authorized to remove or destroy such abandoned units.

§ 9. Deposit of Refuse In Fishing Waters.) No person except as provided in section 6 of this Act, shall deposit or cause to be deposited, any refuse or other matter which may prove harmful to fish or fish eggs, directly or indirectly, in any waters wherein the state or federal government has deposited, or may deposit any fish, fish eggs or fry, or in which any fish naturally abound, except as municipalities are authorized to dispose of sewage.

§ 10. Commercial Sales of Fish.) No sale, barter or trading of fish of a species abounding in any waters of this state, shall be legal except that:

1. Persons authorized by section 6 of this Act may sell fish as directed by the commissioner;
2. Any person, firm or corporation that peddles fish, may sell such fish only after procuring a license so to do, issued by the commissioner upon the payment of the required annual fee of one dollar. Such person, firm or corporation shall keep a full and complete record of the source of such fish as prescribed by the commissioner; and
3. Any person, firm or corporation operating a permanently located wholesale fish market, jobbing house or other place for the wholesale marketing of fish or grocery store or retail fish market may sell such fish from its permanent location without obtaining a license, but must keep records of purchases.

§ 11. Minnow Bait Wholesalers, License.) The commissioner shall adopt rules and regulations to control and supervise the operations of minnow or other live bait wholesalers. The commissioner shall issue a license to each such wholesaler whenever it appears that such wholesaler has complied with the rules and regulations of the commissioner and has paid the annual license fee of twenty-five dollars. No person shall sell minnows at wholesale without first obtaining such license. The commissioner shall also issue a minnow or other live bait retailer's license to any person upon the payment of a license fee of five dollars. No person shall retail minnows or other live bait without such license. The commissioner may require each retailer or wholesaler to submit such reports as the commissioner may deem necessary.

§ 12. Fishways At Dams.) Whenever deemed necessary by the commissioner, any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream within or forming the boundary of this state shall construct and keep in good repair, a durable and efficient fishway in such manner, shape and size as the commissioner may direct. Upon failure to construct or maintain such fishway as directed by the commissioner and after giving such person ten days' notice, the commissioner may construct or repair the fishway and recover the costs thereof from the person owning, erecting, managing or controlling the dam or obstruction. No person shall construct any fishway without the approval of the commissioner.

§ 13. Penalty.) Any person, firm or organization found violating any provision of this Act shall be deemed guilty of a misdemeanor and subject to punishment by fine of not

more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

§ 14. Repeal.) Sections 20-0316, 20-0317, 20-0601, 20-0602, 20-0603, 20-0606, 20-0607, 20-0608, 20-0609, 20-0610, 20-0612, 20-0613, 20-0614, and 20-0615 of the North Dakota Revised Code of 1943 and sections 20-0314, 20-0315, 20-0604, 20-0605, 20-0611, and 20-0616 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 8, 1955.

GOVERNMENTAL FINANCE

CHAPTER 170

H. B. No. 694

(Link, Rolfsrud, Knudson of LaMoure)

(Davis, Mueller and Rickford)

MUNICIPAL "ASSESSED VALUATION"

AN ACT

Amending and reenacting subsection 4 of section 21-0301 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the definition of assessed valuation, 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 1953 Supplement to 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, 1956, any school district authorizes a bond issue or 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, 1957, 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.

Approval March 7, 1955.

CHAPTER 171

H. B. No. 577

(Rohde, Mollet and Gefreh)

CLAIMS AGAINST TOWNSHIP OR COUNTY

AN ACT

To amend and reenact section 21-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to claims against a county.

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

§ 1. **Amendment.**) Section 21-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0501. Claims Against Township or County; Accounts Stated; How.) Any account, claim, or demand against any township or county of this state for any property or services for which such township or county shall be liable shall be audited or allowed by the board or officers authorized by law to audit and allow the same. The person in whose favor such account, claim, or demand shall be, or his agent, shall reduce the same to writing in items and shall verify the same to the effect that such account, claim, or demand is just and true, that the money therein charged actually was paid for the purposes therein stated, or that the property therein charged for actually was delivered or used for the purposes therein stated and was of the value therein charged, or that the services therein charged actually were rendered and of the value therein charged, or in case such services were official services for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law, and that no part of such account, claim or demand has been paid. Where charges are made for money expended in the performance of official duties in any claim, account, or demand against a North Dakota county, all items of one dollar or more, so expended and charged for, shall be covered by a sub-voucher or receipt, which shall be signed by the person to whom the money was paid. The sub-voucher or receipt shall show at what place, on what date, and for what, the money expended was paid. The sub-voucher or receipt shall be forwarded with the bill, claim, account, or demand against the county. The provisions of this section, however, shall not apply to any claim or demand for an annual salary or per diem of jurors or witnesses fixed by or in pursuance of any statute. Whenever

the county auditor is not readily available to sign and issue warrants upon the county treasurer for the payment of the salary or per diem of jurors or witnesses, the county treasurer shall be authorized to pay such salary or per diem upon the written order of the judge of the court in which such jurors or witnesses have served and in such cases the county treasurer shall furnish the county auditor with statements of all claims paid.

Approved March 10, 1955.

CHAPTER 172

S. B. No. 86
(Day)

DESTRUCTION OF DOCUMENTS EVIDENCING DEBT

AN ACT

To amend and reenact sections 21-0605 and 21-0606 of the North Dakota Revised Code of 1943, relating to the destruction of documents.

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

§ 1. Amendment.) Section 21-0605 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0605. Documents Which May Be Destroyed; When.) All bonds, bond coupons for interest, warrants, special assessment warrants, and any and all other documents evidencing debt made or executed by any city, park district or village in the state may be destroyed when ten years have elapsed after their payment, and when the period within which an action might be commenced to determine the validity of such documents has expired.

§ 2. Amendment.) Section 21-0606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0606. Procedure For Destruction of Documents.) The governing body of any city, park district or village desiring to destroy any documents described in section 21-0605, at its first meeting in January of each year, shall procure from the auditor or clerk of such city, park district or village a list of such documents which have been paid more than ten years

prior to such time and against which the period within which an action might be commenced to determine the validity of such documents has expired, which said list shall contain a full statement and description of the documents desired to be destroyed, and thereupon shall check said documents with such lists. If found correct, the said governing body by resolution shall order said documents to be destroyed and in said resolution shall provide the manner of such destruction. The list provided for in this section shall be filed in the office of the city auditor, clerk of park district or village clerk and retained as a permanent record.

Approved March 2, 1955.

CHAPTER 173

S. B. No. 52
(Duffy and Hernet)

INVESTMENTS IN GOVERNMENT BONDS

AN ACT

To amend and reenact section 21-0607 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to investment by political subdivisions of surplus fund moneys in government bonds.

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

§ 1. **Amendment.**) Section 21-0607 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0607. Political Subdivisions May Invest Surpluses In Government Bonds.) From and after the passage and approval of this Act, it shall be lawful for counties, cities, villages, school districts, park districts and townships in this state to invest surpluses in their general fund, or surpluses in any special or temporary fund, in government bonds of the United States, provided, however, that bonds so purchased shall be taken into consideration in making levies for the ensuing year, and when funds are needed for current expenses, the governing board and authorities of such municipalities shall be authorized to convert said bonds into cash.

Approved March 3, 1955.

CHAPTER 174

S. B. No. 166
(Bridston and Day)

MUNICIPAL BONDS FOR TRANSPORTATION SYSTEM

AN ACT

To amend and reenact subparagraph e of subsection 2 of section 21-0306 of the North Dakota Revised Code of 1943, to permit municipalities to borrow money and issue general obligation bonds for the purchase or acquisition or establishment of a public transportation system.

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

§ 1. **Amendment.**) Subparagraph e of subsection 2 of section 21-0306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0306. Purposes and Special Limitations of Bond Issues.)

2. By any city:

- e. To purchase, acquire or establish any public utility and in cities having a population of more than 5,000 to purchase or acquire a public transportation system. This section shall not be construed as impairing, altering, or affecting the powers of the public service commission in any such proceeding;

Approved March 9, 1955.

HEALTH AND SAFETY

CHAPTER 175

H. B. No. 678

(Sticka, Gress and Schmalenberger)

MOTOR AND TRAILER COURT REGULATION

AN ACT

To amend and reenact sections 23-1002, 23-1003, 23-1004, 23-1005, 23-1006, 23-1008, 23-1010, 23-1011 and 23-1012 of the North Dakota Revised Code of 1943, dealing with motor and trailer courts and to repeal sections 23-1001, 23-1007 and 23-1009 and declaring an emergency.

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

§ 1. **Definitions.)** In this chapter, unless the context or subject matter otherwise requires:

1. "Motor court" includes every plot of land equipped with buildings or structures, or any part thereof, kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations, with or without cooking facilities, are furnished to the public for periods of less than one week and shall include only such establishments where buildings or structures have guest units opening to the outside, being not connected by a common doorway or hallway, and where accommodations include parking space for at least one motor vehicle to each guest unit, and shall include establishments known as motels, cabins, camps or by whatever name the same may be called.
2. "Trailer court" includes every plot of land kept, used, maintained, advertised, or held out to the public as a place for use by transient guests for parking trailers or trailer coaches, which plot of land is of such size as to accommodate two or more trailer coaches.

§ 2. **Amendment.)** Section 23-1002 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1002. State Laboratories Department To Make Regulations; Inspection.) The state laboratories department shall have general supervision of the health and sanitary condition

of all motor and trailer courts in this state and may make, promulgate, and enforce such rules and regulations as may be necessary or desirable for the preservation of the same. The department and its inspectors shall have access to the premises of each motor or trailer court, and every part thereof, at such times as may be proper and reasonable for the inspection thereof.

§ 3. Amendment.) Section 23-1003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1003. License Required; Application.) No person, firm, or corporation, municipal or private, shall establish or maintain a motor or trailer court in this state without first obtaining a license therefor from the state laboratories department. The application for such license shall be made in writing to the department and shall state the location and type of the court, the number of sleeping rooms, the proposed water supply therefor, the proposed method of sewerage and garbage disposal, and such other information as may be required by the department. Forms for such application shall be prepared by the department and distributed upon request.

§ 4. Amendment.) Section 23-1004 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1004. Inspection Before License Granted; Basis of Fees.) As soon as possible after the receipt of an application, the state laboratories department shall cause an inspection of the premises to be made, and if the department is satisfied from the application and inspection that the existing or proposed motor or trailer court will not be a source of danger to the health of the guests of the court or to the general public, it shall notify the applicant of its approval of such court and of the amount of the fees for a license therefor. Fees shall be charged and collected upon the basis of the number of sleeping rooms available for use by guests for hire. A license fee, however, shall not be charged for any municipally owned and operated motor or trailer court.

§ 5. Amendment.) Section 23-1005 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1005. License Fees.) The following fees shall be charged for licenses to operate motor or trailer courts in this state:

1. For a trailer court or a motor court having not more than five sleeping rooms, five dollars;

2. For a motor court having more than five and less than eleven sleeping rooms, ten dollars;
3. For a motor court having eleven or more sleeping rooms, twenty dollars.

§ 6. Amendment.) Section 23-1006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1006. License Granted; Form; Transferable.) Upon receipt of the required license fee and upon the approval of the application, the state laboratories department shall issue a license in writing to the person, firm, or corporation named in the application. Such license shall be upon a form prescribed by the department, shall be for a term of one year from January first to December thirty-first, and shall be renewable upon the same basis as that upon which it was originally issued. The license shall be transferable only with the consent of the department which, upon application, may take up and cancel the original license issued for the operation of the motor or trailer court and issue a new license to the transferee for the balance of the year.

§ 7. Sanitation and Safety.) Every motor court or trailer court shall be operated with strict regard for health, safety, and comfort of its patrons. The following sanitary and safety regulations shall be followed:

1. **Location:** Every motor or trailer court shall be established upon dry, well drained ground. Any natural sink-holes or collection or pool of water shall be artificially drained and filled when the court is first established.
2. **Drinking water supply:** An adequate supply of potable and safe drinking water shall be provided. Water from other than a municipal supply shall not be used until inspected, tested and certified by this department.
3. **Towels:** The placing of roller cloth towels for public use in any wash room or place within the court shall be prohibited; however, individual cloth towels, cloth towels provided in mechanical dispensers, individual paper towels and roller paper towels may be used.
4. **Toilets:** Modern sanitary flush toilets shall be provided where a sewer connection is available; otherwise sanitary fly-proof privies shall be maintained. All toilets and privies shall be kept in a clean, sanitary condition. Separate toilets and privies shall be provided for each sex except where toilets are provided in each guest unit. No privy or cesspool shall be located less than 100 feet from any well, kitchen or sleeping quarters.

5. **Garbage:** All garbage and refuse shall be stored in metal fly-proof cans, and the contents removed and disposed of daily, either by burial or incineration. All buildings within the court ground shall be screened against flies and kept in a clean and sanitary condition.
6. **Bolts or locks:** All guest units used for sleeping purposes shall be equipped with inside bolts or with locks which cannot be opened from the outside with a skeleton key while such room or cabin is occupied, bolted and locked from within.
7. **Mattresses and pillows:** It shall be unlawful to have upon any bed any mattress of a lower grade than that commonly known to the trade as cotton felt combination. Mattresses must be covered with sheets and the pillows with pillow cases; same to be changed after the departure of each guest.

§ 8. **Amendment.)** Section 23-1008 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1008. Sickness In Motor or Trailer Courts; Penalty For Failure To Report.) Every guest of a court immediately shall report to the person in charge of the court, or to the local or state health authorities, every case of sickness in his or her guest unit. Any person who shall fail to make such report shall be guilty of a misdemeanor and shall be punished by a fine of not more than twenty-five dollars.

§ 9. **Guest Record.)** A record shall be kept in each motor or trailer court in which every individual patronizing the court shall write his or her name and address and the number of members in his or her party.

§ 10. **Amendment.)** Section 23-1010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1010. Posting Rules and Regulations.) The owner or keeper of a motor or trailer court shall post in one or more conspicuous places in the court a notice of the provisions of this chapter with reference to sanitation and health and of any and all rules and regulations with reference thereto promulgated by the state laboratories department. At least two copies of such notice shall be furnished to each motor or trailer court by the department.

§ 11. **Amendment.)** Section 23-1011 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1011. Ejection From Premises.) The owner or keeper of a motor or trailer court may eject any person from the premises for nonpayment of charges or fees for accommodations, for a violation of law, for disorderly conduct, for a violation of any regulation of the state laboratories department, or for a violation of any rule of the court which is publicly posted within the same.

§ 12. Amendment.) Section 23-1012 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1012. Revocation of License; Penalty For Operating Without License.) The state laboratories department may revoke any license issued under the provisions of this chapter upon the failure of the holder thereof to comply with the provisions of this chapter or with any of the rules and regulations made and promulgated by the department. Any person, the members of any firm, and the officers of any corporation, private or municipal, who shall maintain or operate a motor or trailer court without first obtaining a license, or who shall operate the same after the revocation of the license, shall be guilty of a misdemeanor and shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

§ 13. Repeal.) Sections 23-1001, 23-1007 and 23-1009 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 14. 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, 1955.

CHAPTER 176

H. B. No. 710

(Baker)

CESSPOOLS, SEPTIC TANKS, PRIVIES—REGULATION

AN ACT

Providing for the licensing and regulating by the state department of health of the business of cleaning, pumping, and servicing cesspools, septic tanks, or privies; fixing the license fees; providing for the issuance of permits by health officers of cities, towns, counties, and health districts, fixing the fees for such permits; authorizing local and district health officers to regulate within their jurisdictions; and providing penalties for violation of any provisions of this Act, and declaring an emergency.

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

§ 1. License and Permit Requirements.) From and after the passage and approval of this Act no person, partnership, association, firm or corporation shall engage for hire in the business of cleaning, pumping, and servicing cesspools, septic tanks, or privies without first obtaining an annual license therefor in the manner hereinafter provided. In addition to the annual state license an additional permit may be required by the local governmental and health jurisdictions. The provisions of this chapter shall not apply to master plumbers duly licensed to engage in the business of plumbing in the state of North Dakota.

§ 2. Application For Licenses and Permits.) Applicants for license shall file applications under oath with the state department of health on prescribed application forms which are to be signed by the owner or in the case of associations and corporations by authorized representatives seeking a license. Where permits are required by local units of government the application for this permit shall be made through the district or local health officer having jurisdiction within the area to be served.

§ 3. Surety Bond.) Before receiving a license the applicant shall execute and deposit with the state department of health a surety bond in the sum of one thousand dollars conditioned on the faithful performance in conformity with all applicable health laws and regulations of all work undertaken by him.

§ 4. License and Permit Fees.) A North Dakota resident licensee shall pay an annual fee of fifteen dollars for each complete servicing unit including pump and transport. A non-resident licensee shall pay an annual fee of fifty dollars for

each complete servicing unit including pump and transport. Where local permits are required in addition to the state license the permit fee shall not exceed one dollar for each complete servicing unit including pump and transport. This permit fee may be imposed within each local jurisdiction.

§ 5. Licenses and License Tags.) Licenses issued hereunder shall expire one year after date of issuance or upon such uniform dates as the state health council may prescribe by regulation. Normally, unless altered by regulation, the license will run for the calendar year and will expire on December 31 each year. The license shall be issued only for the servicing unit and person or firm named in the application and shall not be transferable or assignable. The state health department may cause to be designed and issued a numbered metal license tag which shall be posted in a conspicuous place on each servicing unit of the licensee. If deemed desirable different colored tags may be used to distinguish resident and non-resident licensees.

§ 6. Rules, Regulations and Inspections.) The state health council is authorized to promulgate rules and regulations and to make inspections as may be necessary to implement this Act and to provide adequate health safeguards. Within their respective jurisdictions district and local boards of health may adopt rules and regulations and make inspections not inconsistent with this Act and the regulations established by the state health council.

§ 7. Authority To Issue, Deny, Suspend, or Revoke Licenses.) The state department of health shall issue licenses to applicants found to comply with the provisions of this Act and lawfully promulgated regulations. The state health officer with the approval of the state health council may after a hearing deny, suspend, or revoke licenses on any of the following grounds:

1. Failure to execute, deposit and maintain a surety bond;
2. Violation of any of the provisions of this Act or regulations promulgated pursuant thereto; or
3. Conduct or practices detrimental to health, safety, and welfare.

No application for a license shall be denied nor shall a license be suspended, or revoked except after a hearing before the state health council held pursuant to written notice to the applicant or licensee, served by registered mail. The notice shall concisely state the grounds for such denial or for such proposed suspension or revocation and shall fix the time and

place of hearing which shall not be less than fifteen days after the date of mailing the notice. The state health council may delegate district and local boards of health to conduct hearings within their respective jurisdictions.

§ 8. Hearings and Appeals.) The hearings, procedures, and appeals shall be conducted in accordance with the provisions of chapter 28-32 of the title, "Judicial Procedure Civil" of the North Dakota Revised Code of 1943, as amended.

§ 9. Penalties.) Violation of any of the provisions of this Act or duly promulgated health and sanitary regulations pursuant thereto shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars for each offense or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

§ 10. License.) License fees shall be appropriately accounted for and remitted to the state treasurer.

§ 11. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 177

H. B. No. 644
(Lynch and Leet)

DESIGNATION, SECONDARY HIGHWAY SYSTEM

AN ACT

To amend and reenact section 24-0105 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the designation of a secondary highway system.

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

§ 1. **Amendment.**) Section 24-0105 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0105. Designation of Secondary System: Removal From Primary Highway System.) The state highway commissioner may designate, from time to time, a secondary highway system not exceeding fourteen thousand miles in length on which all secondary or feeder road funds shall be expended as may be provided by such appropriations. In designating such system, he may transfer from the primary state highway system those parts which are low in standard of improvement and traffic service and which will be released from maintenance agreement or agreements with the federal government. No mileage on the state highway system shall be placed on the federal aid secondary or farm to market roads system without the consent of the board of county commissioners of the county in which the road lies. The commissioner may also enter into an agreement with the board of county commissioners of any county providing for the transfer of highways from the state highway system to the county road system of such county.

Approved March 3, 1955.

CHAPTER 178

S. B. No. 162
(Duffy and Streibel)

ENFORCEMENT OF VEHICLE SIZE AND WEIGHT LAWS

AN ACT

To amend and reenact section 24-0113 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to enforcement of highway laws controlling vehicle size and weights, and conferring police power on the state highway commissioner and inspectors appointed by him, and declaring an emergency.

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

§ 1. **Amendment.**) Section 24-0113 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0113. Enforcement of Highway Laws: Vehicle Size and Weight Controlled.) The commissioner and each officer and inspector of the state highway department designated by him, shall have general police powers with respect to enforcement of all laws pertaining to the use of motor vehicles and trailers, other than passenger cars and motor cycles, upon the highways, roads and streets of this state and may:

1. Classify highways and enforce limitations as to weight and load of vehicles thereon as provided under section 39-1201;
2. Issue special written permits authorizing the operation of oversized or overweight vehicles as provided for under section 39-1202;
3. Prohibit the operation, or may impose restrictions on vehicular use of highways during certain seasons of the year as provided for under section 39-1203;
4. Issue permits authorizing the operation of tractors or traction engines with movable tracks as provided for under section 39-1122.

§ 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 2, 1955.

CHAPTER 179

H. B. No. 568
(Hornbacher)

GRADES AND DITCHES TO BE BACK SLOPED, ETC.

AN ACT

Requiring all county and township roads to be constructed with back sloped grades and ditches and that grass be planted thereon, for control of weeds.

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

§ 1. County and Township Road Grades and Ditches To Be Back Sloped: Planting of Grass.) All county and township roads, constructed or reconstructed from and after the effective date of this Act shall be constructed with back sloped grades and ditches. Such grades and ditches shall be sloped to a sufficient degree to permit farm implements used for cutting and gathering hay to operate thereon, and such grades and ditches shall be cleared of all stones or other obstructions that would hinder the operation of such implements. Upon completion of such newly constructed or reconstructed roads, the governing body having authority over such roads shall plant grass upon the back slopes of the grades and ditches. The grass or hay growing upon or within the right-of-way of such roads may be cut for hay by any owner or tenant of lands adjoining the right-of-way.

Approved March 8, 1955.

CHAPTER 180

H. B. No. 651

(Miller, Sortland, Engen and McLain)

EXPENDITURE OF TOWNSHIP ROAD FUNDS

AN ACT

To amend and reenact section 24-0619 of the North Dakota Revised Code of 1943, relating to the expenditure of township road funds.

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

§ 1. Amendment.) Section 24-0619 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0619. Expenditure of Road Taxes.) The board of township supervisors must order the expenditure of all road taxes paid into the township treasury in the improvement of the highways under such regulations as it may deem most expedient for the public interests, and for this purpose, shall issue a warrant upon the road funds of the township upon the certificate of the township overseer that such work has been performed satisfactorily; provided, however, that not over fifty percent of the township road and bridge fund, collected within each tax year shall be expended upon highways which are a part of a state or county highway system as designated under the provisions of sections 24-0102, 24-0105, or 24-0516 of the 1953 Supplement to the North Dakota Revised Code of 1943, unless such expenditure is specifically authorized by resolution adopted by a majority of the electors of the township present and voting at any special or annual township meeting. This limitation shall also apply to any special road fund as set up under section 57-15192 of the 1953 Supplement to the North Dakota Revised Code of 1943.

Approved March 7, 1955.

CHAPTER 181

H. B. No. 789
(Rolfstrud, Gress, Link, Roen)

OBSTRUCTION OF SECTION LINES

AN ACT

To amend and reenact section 24-0628 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to obstruction of section lines.

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

§ 1. **Amendment.**) Section 24-0628 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0628. Obstruction of Section Lines Prohibited; Exception.) No person shall place or cause to be placed any permanent obstruction or stones or rubbish within thirty-three feet of any section line, unless he first shall secure permission in writing from the board of county commissioners or the board of township supervisors, as the case may be. Such permission shall be granted only where the topography of the land along such section line is such that in the opinion of the board of county commissioners or board of township supervisors, as the case may be, the construction of a road on the section line is impracticable. The provisions of this section shall not prohibit construction of fences along or across section lines not open for travel but such fences shall be subject to removal as provided in section 24-0630.

Approved March 2, 1955.

CHAPTER 182

H. B. No. 852
(Anderson of Cass and Simenson)

REMOVAL OF FENCES ALONG PUBLIC HIGHWAYS

AN ACT

To amend and reenact section 24-0630 of the North Dakota Revised Code of 1943 relating to the removal of fences along public highways, notification to owner of adjacent property, removal of fences by board of county commissioners or by board of township supervisors and assessment of costs therefore against property.

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

§ 1. **Amendment.)** Section 24-0630 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0630. Removal of Fences; Notice; Cost.) When a public highway is opened along any section line within the state, the board of county commissioners or the board of township supervisors, as the case may be, shall notify the owner of adjacent property to remove any fences within thirty-three feet of said section line, in the manner provided for notice to remove stones or rubbish, and if said owner shall fail to remove the same within thirty days after such notice has been given, the board of county commissioners or the board of township supervisors, as the case may be, shall cause such fences to be removed, and the cost thereof shall be returned and entered the same as taxes against the property and shall be paid in the same manner as taxes are paid.

Approved March 10, 1955.

CHAPTER 183

H. B. No. 790

(Snow, Rolfsrud, Gress, Knudson of Morton, Link)

CATTLE GUARDS ACROSS COUNTY AND TOWNSHIP ROADS

AN ACT

To amend and reenact sections 24-1001 and 24-1002 of the North Dakota Revised Code of 1943, relating to cattle guards across county and township roads.

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

§ 1. Amendment.) Section 24-1001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-1001. Cattle Guards; How Permitted.) Whenever the erection of cattle guards is necessary to complete an enclosure which includes land on both sides of any highway in the state, except a highway which has been designated as part of the state highway system, the board of county commissioners, if the cattle guard is to be erected across a county road, or the board of township supervisors, if the cattle guard is to be erected across a township road, may issue permission to any person, firm, or corporation to erect a cattle guard and gateway across said highway upon the conditions hereinafter prescribed.

§ 2. Amendment.) Section 24-1002 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-1002. Cattle Guards; How Constructed; Effect.) Before any cattle guard and gateway shall be erected across any highway as authorized in section 24-1001, the board of county commissioners or board of township supervisors, as the case may be, shall approve written specifications of said cattle guard and gateway, such specifications to be filed with the county auditor, if approved by the board of county commissioners, and with the township clerk, if approved by the board of township supervisors. The specifications shall include specifications for warning signs to be placed approximately three hundred feet from and plainly visible to persons approaching said cattle guard upon the highway. A cattle guard shall be so constructed as to permit the passage of motor vehicles through and over the same. No cattle guard shall be erected upon any highway in this state unless there also is provided adjacent thereto an ample gateway in which shall be erected

a gate which may be opened easily and closed by the public. Within the limits of an enclosure so completed by authorized cattle guards erected in accordance with such specifications livestock shall be permitted to run at large without liability for being upon such highway.

Approved March 1, 1955.

INSANE, FEEBLEMINDED, TUBERCULAR, BLIND, AND DEAF

CHAPTER 184

S. B. No. 35

(Legislative Research Committee)

ADMISSION, CUSTODY AND RELEASE OF PATIENTS AT STATE HOSPITAL

AN ACT

Relating to the admission, custody, and release of patients at the state hospital, amending and reenacting section 25-0309 of the North Dakota Revised Code of 1943 and section 25-03071 of the 1953 Supplement to the North Dakota Revised Code of 1943, providing for the admission of alcoholics, drug addicts, and persons suffering from mental illness, and repealing section 25-0308 of the North Dakota Revised Code of 1943.

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

§ 1. Application Form For Insanity Board.) The superintendent of the state hospital shall cause to be prepared and furnished to each insanity board in the state a form of application for admission to the state hospital, which form shall contain such questions as the superintendent shall deem necessary to provide information regarding the patient and the insanity board shall provide answers to such questions to the best of its ability, forwarding a copy of such application when the patient is committed to the state hospital.

§ 2. Amendment.) Section 25-0309 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0309. Failure To Furnish Information.) Failure by the insanity board to inquire fully and report to the superintendent of the state hospital answers required in the application for admission shall be sufficient grounds for refusal to receive such patient at the hospital.

§ 3. Amendment.) Section 25-03071 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-03071. Voluntary Admission To State Hospital.) Any person over 16 years of age desiring to receive treatment at

the state hospital may be admitted to such hospital upon his voluntary application, addressed to the superintendent thereof, under such conditions and in such manner as the superintendent may determine. Any person under 16 years of age, if his parent or legal guardian applies in his behalf, may be admitted to such hospital in like manner and upon the same conditions. The superintendent of the state hospital, upon admitting any such person for treatment at the state hospital, shall then detain such person during the time of the treatment as though he had been legally committed. If any such person in writing demands his release, the superintendent may detain such person for seven days after the date of such demand for release. If the superintendent deems such release not to be for the best interest of such person, his family, or the public, he shall, within said seven days, file an application for the legal commitment of such person to the state hospital with the insanity board of the county wherein the state hospital is located. Before admitting any person, as herein provided, the superintendent shall require that such person, his parents or legal guardian shall:

1. Agree to pay all hospital expenses incurred by his treatment and maintenance therein and may require guarantee for such payment; or
2. Furnish to the superintendent an affidavit listing his property and showing in such detail as the superintendent shall require his financial condition and stating that he is unable to pay for such hospital care.

In the event such affidavit of inability to pay shall be filed it shall be the duty of the superintendent to forward a copy thereof to the insanity board of the county wherein such voluntary patient is a resident and it shall thereupon be the duty of such insanity board to determine whether such patient should be discharged from the hospital or should be permitted to remain there at the expense of the county as other patients duly committed are maintained. In the event the insanity board shall direct the discharge of such patient it shall be the duty of the superintendent to discharge such patient from the hospital within three days unless a proper guarantee for payment of his expenses shall be furnished, or the superintendent shall find that such discharge might be dangerous to the patient, or to the public, in which event the superintendent shall cause such patient to be brought before the insanity board of the county of his residence, or the county wherein the state hospital is located. If the insanity board shall approve the retention of such patient his care shall be charged to such county as in other cases.

§ 4. **Alcoholics and Other Patients; Admission.)** Alcoholics and drug addicts may be admitted to the state hospital by voluntary admission under such rules, regulations and limitations as may be promulgated by the superintendent of the state hospital. The word "insane" wherever used in this Act shall be deemed to include alcoholics and drug addicts insofar as the admission, care, treatment and discharge of such patients from the state hospital may be concerned.

§ 5. **Repeal.)** Section 25-0308 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 26, 1955.

CHAPTER 185

S. B. No. 153
(Schrock)

TRANSFER OF PATIENTS FROM STATE HOSPITAL
TO OTHER INSTITUTIONS

AN ACT

To provide for the transfer of insane persons from the state hospital to other institutions licensed to care for and treat the insane.

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

§ 1. **Release of Patients To Other Institutions.)** Whenever any public or private institution, licensed by any state for the care and treatment of the insane, shall by agreement with a parent, a brother, a sister, a child of legal age, or guardian of any patient accept such patient for care and treatment, the superintendent of the state hospital for the insane shall release such patient to said institution.

Approved March 5, 1955.

CHAPTER 186

H. B. No. 828

(Nygaard, Langseth, Dunlop, Rohde, Gefreh, Haugland)

TRANSFER OF CERTAIN TUBERCULAR PERSONS TO THE
STATE TUBERCULOSIS SANATORIUM OR OTHER INSTITUTION

AN ACT

To assist in the control of tuberculosis; providing for transfer of tubercular persons committed to or confined in state or county institutions to the state tuberculosis sanatorium or other appropriate institutions.

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

§ 1.) When required for the protection of the public health, the control of tuberculosis, or the protection or treatment of the individual patient, any person committed to or confined in a state or county institution who has active, infectious tuberculosis may be removed from such institution to the state tuberculosis sanatorium or other appropriate institution under the control of the state board of administration. Such transfer may be made in the discretion of the board of administration, if from an institution controlled by such board, or, in the case of transfer from an institution not so controlled, by agreement of the board of administration and the agency responsible for the control of such other institution. If any person, so transferred, is maintained at the expense of the county or other governmental unit or agency, the cost of maintenance in the institution to which he is transferred shall be charged to and collected from such county or other governmental unit or agency.

Approved March 3, 1955.

CHAPTER 187

H. B. No. 829

(Nygaard, Langseth, Dunlop, Rohde, Gefreh and Haugland)

COUNTY TUBERCULOSIS BOARDS

AN ACT

Providing for the control of tuberculosis and protection of public health; creating county tuberculosis boards; authorizing compulsory care, treatment, isolation and quarantine at the state sanatorium or other appropriate institution, and the placing of persons having active, infectious tuberculosis dangerous to public health in the custody of the state board of administration for such purposes; and prescribing procedures.

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

§ 1.) There is hereby established in each county in the state a county tuberculosis board consisting of the county judge, who shall be chairman of such board, a practicing physician, and a practicing attorney. The physician and attorney shall be appointed by the board of county commissioners for terms of two years, respectively, and shall hold office until their successors are appointed and qualified. Each appointive member of the board shall take and file at the office of the county court the oath prescribed for civil officers. The board shall meet at the call of the chairman or of the two appointive members and two members shall constitute a quorum.

§ 2.) In the case of a temporary absence of an appointive member of the county tuberculosis board or of his inability to act, the county judge shall call to his aid a practicing physician or attorney, as the case may be, to replace such member. The person so called in shall qualify and act in the same capacity as a regular member of the board. In the temporary absence from the county of the county judge, or, in the case of his inability to act, the state's attorney shall act as chairman, and in such capacity may exercise all the powers of such chairman. The state's attorney, acting as chairman, shall take the oath required of appointive members.

§ 3.) The county tuberculosis board shall have the power to:

1. Take cognizance of all petitions addressed to it in accordance with the provisions of this Act;
2. Issue subpoenas and compel obedience thereto;
3. Administer oaths; and

4. Do any other acts necessary and proper in the performance of the functions imposed upon it by the provisions of this Act.

§ 4.) Upon report to, or receipt of information by, a local board of health that any person is afflicted with tuberculosis and, as a source of infection endangers other persons, such board shall investigate and if convinced that an active case of infectious tuberculosis endangering other persons exists shall request such person voluntarily to seek admission to the state sanatorium or other appropriate facility for treatment and if such person refuses to accept such admission and treatment shall petition the tuberculosis board of the county where such person is found or resides for an order of admission to such sanatorium or other appropriate facility or institution under the control of the state board of administration and that such person be placed in the custody of the state board of administration for necessary and appropriate care and treatment.

§ 5.) As soon as a petition is filed with the county tuberculosis board, under the provisions of this Act, the board shall investigate the grounds therefor. It may issue its warrant to be served by the sheriff or any constable of the county to compel the attendance of the alleged tubercular person and may provide for suitable custody and care of such person until the investigation is concluded. The board shall hear all relevant testimony for or against the petition and the examination and hearing on the petition shall be in the presence of the alleged tubercular person. Any citizen of the county and any relative of the alleged tubercular person may appear and resist the petition and all parties may be represented by counsel.

§ 6.) The county tuberculosis board shall appoint a practicing physician who may or may not be a member of the board to make a personal examination of the alleged tubercular person and to make such thorough investigation of his condition as will enable the board to determine whether or not such person has active, infectious tuberculosis and is dangerous to the public health.

§ 7.) As soon as practical after the return of the physician's statement to the county tuberculosis board, the board shall conclude its investigation and make its determination. If the board finds that the alleged tubercular person does not have active, infectious tuberculosis and is not dangerous to public health it shall make an order dismissing the cause. If the board finds that the person does have active, infectious tuberculosis and is dangerous to public health it shall determine the legal residence of such person, if the same can be ascertained,

require full and correct answers to be given to a property statement containing the information required under the provisions of chapter 25-03 of the North Dakota Revised Code of 1943 from an applicant for admission to the state hospital, and issue its order and warrant which shall:

1. State the findings of the board that such person does have active, infectious tuberculosis and is dangerous to public health;
2. State the residence of such person, if the same has been ascertained by the board, and if it has not been so ascertained, the information of the board, if any, on the subject; and
3. Authorize the state board of administration to receive and keep such person in its custody for necessary and appropriate care, treatment, quarantine, and isolation at the state sanatorium or other appropriate facility or institution under the control of the board of administration.

§ 8.) The order and warrant of the county tuberculosis board, in duplicate, together with the findings and certificate of the physician and the findings of the board shall be delivered to the sheriff who shall execute the same by conveying the person named therein to the state board of administration at such institution under the control of such board as may be directed by the board of administration and delivering him, together with the findings and certificate of the physician and the findings of the county tuberculosis board and the duplicate of the order and warrant to the superintendent or other officer in charge of such institution. Such officer, over his official signature, shall acknowledge such delivery on the original order and warrant and the sheriff shall return the same to the chairman of the county tuberculosis board.

§ 9.) Each member of the county tuberculosis 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 of the North Dakota Revised Code of 1943. The sheriff shall be allowed the same mileage for services rendered upon the order of the county tuberculosis board as he is allowed for other like services, except that in conveying persons to a state institution, his mileage shall be as specified in section 11-1525 of the North Dakota Revised Code of 1943. Witnesses before the county tuberculosis 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.

§ 10.) An appeal from an order of the county tuberculosis board authorizing the state board of administration to receive a person in its custody for care, treatment, quarantine and isolation at the sanatorium or other institution may be taken to the district court of the county in the manner provided in chapter 28-32 of the North Dakota Revised Code of 1943. In such a proceeding, the state's attorney of the county wherein the appeal is taken, without additional compensation, shall represent the county tuberculosis board. The clerk of court of the county in which the appeal is taken shall notify the state's attorney of the filing of such appeal.

§ 11.) All persons placed in the custody of the state board of administration under the provisions of this Act for care, treatment, quarantine and isolation shall be entitled to the benefit of the writ of habeas corpus and a determination as to whether a person in such custody has active, infectious tuberculosis and is dangerous to public health shall be made at the hearing. If the court shall decide that the person does have active, infectious tuberculosis and is dangerous to public health, such decision shall not preclude a subsequent application for a writ or the issuing of a writ upon a subsequent application, if it shall be alleged that such person shall have been restored to health.

§ 12.) All orders of county tuberculosis boards authorizing the reception and retention in custody for care, treatment, quarantine and isolation of persons having active and infectious tuberculosis endangering public health shall be effective only during the continuation of such condition and any person who is cured shall be discharged immediately from custody. Such discharge shall be made by the state board of administration or by the superintendent or other officer in charge of the institution in which a person is detained on behalf of the board of administration. The superintendent or other officer in charge of such institution also may parole any person admitted to such institution under the provisions of this Act at such times and under such conditions as deemed advisable.

§ 13.) The state board of administration is hereby authorized and directed to provide adequate and suitable facilities for the care, treatment, quarantine, isolation and detention of persons received into the custody of such board under the provisions of this Act at the state sanatorium or other appropriate facility or institution under the control of the board of administration.

§ 14.) Costs of support, maintenance, care, and treatment of persons admitted to any state institution under the provi-

sions of this Act shall be charged, assessed, and collected in the manner in which such charges, assessments, and collections are made for other patients at the state sanatorium.

§ 15.) The warrant and order of the county tuberculosis board authorizing the admission of any person to the custody of the state board of administration and the reception and detention of such person at a state institution as a patient, accompanied by a physician's certificate as provided in this Act, shall protect the state board of administration and the other officers of the institutions from all liability, civil or criminal, on account of the reception and detention of such person therein. Such detention, however, shall be in accordance with the laws and by-laws regulating the management of the institution.

§ 16.) Any person who shall observe quarantine regulations as established by the board of health shall not be subject to confinement under the provisions of this Act.

§ 17.) Any person having the care of any person admitted to a state institution in accordance with the provisions of this Act and restraining such person, either with or without authority, who shall treat such person with wanton severity, harshness, or cruelty, or who shall abuse such person in any way, shall be guilty of a misdemeanor, and shall be liable in an action for damages.

§ 18.) Nothing in this Act shall require the admission of an enrolled Indian of any reservation in this state to any state institution except upon written request and authorization of the superintendent of the reservation in which said Indian is enrolled, approved by the chairman of the state board of administration.

Approved March 11, 1955.

INSURANCE

CHAPTER 188

H. B. No. 573
(R. Fay Brown)

STANDARD FIRE INSURANCE POLICY PROVISIONS

AN ACT

To amend and reenact subsection 6 of section 26-0340 of the 1953 Supplement, North Dakota Revised Code of 1943, relating to a standard fire insurance policy.

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

§ 1. Amendment.) Subsection 6 of section 26-0340 of the 1953 Supplement, North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

6. Provided, however, that this section shall not apply to inland marine, ocean marine or automobile insurance, and provided also that by and with the approval of the insurance commissioner, a combined farm policy may be used, the fire portion of which shall be substantially in accord with the fire insurance policy herein provided, but no policy or contract issued under the provisions of this Act shall contain a limitation of less than three years for the bringing of any suit or action thereunder.

Approved March 1, 1955.

CHAPTER 189

H. B. No. 830

(Wicks, Saumur, Brown, Nygaard, Bjella and Davis)

PROHIBITING LICENSING OF CERTAIN FOREIGN INSURANCE COMPANIES

AN ACT

To prohibit any insurance company or other insurance entity which is financially owned or financially controlled by any foreign government outside the United States or the territories of the United States from doing any kind of insurance business in the state of North Dakota, and to provide penalties for the violation of this Act, and declaring an emergency.

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

§ 1.) That any insurance company or other insurance entity which is financially owned or financially controlled by any foreign government outside the United States or the territories of the United States is hereby prohibited from doing any kind of insurance business in the state of North Dakota.

§ 2.) That the commissioner of insurance is hereby forbidden to grant a license to any insurance company or other insurance entity which is financially owned in whole or in part or financially controlled by any foreign government outside the United States or the territories of the United States, or to authorize any such company or entity to transact any kind of insurance business in the state of North Dakota. This Act shall not affect any insurance company qualified to do business in this state on or prior to January 1, 1955.

§ 3.) That any insurance company or other insurance entity which is financially owned in whole or in part or financially controlled by any foreign government outside the United States or the territories of the United States, or any representative or agent of any such company or entity which violates the provisions of this Act, shall be guilty of a misdemeanor and punished under the general statutes providing penalties for misdemeanors.

§ 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 7, 1955.

CHAPTER 190

S. B. No. 59

(Livingston, Wolf, Bridston, O. S. Johnson)

DEFINITIONS; POWERS OF FRATERNAL BENEFIT SOCIETIES

AN ACT

To amend and reenact sections 26-1203, 26-1220, and 26-1228 of the North Dakota Revised Code of 1943, section 26-1219 of the 1953 Supplement to the North Dakota Revised Code of 1943, and to repeal section 26-1221 of the North Dakota Revised Code of 1943, relating to fraternal benefit societies.

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

§ 1. Amendment.) Section 26-1203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1203. Representative Form of Government Defined; Proxy Prohibited; Supreme Meeting In Emergency.) Any society of the kind mentioned in section 26-1201 shall be deemed to have a representative form of government within the meaning of such section when it shall provide in its constitution and laws for a supreme legislative or governing body composed of representatives elected by the members or delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws if:

1. The elective members shall constitute a majority in number and shall have not less than two-thirds of the votes, nor less than the number of votes required to amend the constitution and laws of the society;
2. The meeting of the supreme governing body and the election of officers, representatives, or delegates shall be held as often as once in four years;
3. The officers shall be elected either by the supreme legislative or governing body or by the board of directors; and
4. The members, officers, representatives, or delegates of the society shall not vote by proxy.

However, during any period of a national emergency, upon petition or application duly made by the executive officer of any society to the commissioner of insurance at least sixty days prior to the date on which said supreme or governing

body is to meet, the commissioner of insurance, in his discretion, upon a complete investigation of the merits of said petition or application, may grant a continuance or postponement of said meeting for a period of not to exceed one year. If said emergency shall continue to exist at the end of the postponement period, a further petition or application may be made and a further continuance or postponement may be granted as above provided. No continuance shall be granted after the period of the emergency shall cease to exist.

§ 2. Amendment.) Section 26-1219 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1219. Beneficiaries.) The member shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, laws or rules of the society. Every society by its constitution, laws or rules may limit the scope of beneficiaries and may provide that no beneficiary shall have or obtain any vested interest in the proceeds of any certificate until the certificate has become due and payable in conformity with the provisions of the insurance contract.

A society may provide for the payment of benefits not exceeding the sum of three hundred dollars as funeral benefits to such person or persons as may reasonably appear to the society to be equitably entitled thereto by reason of having incurred expense occasioned by the burial of the member.

§ 3. Amendment.) Section 26-1220 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1220. Qualifications For Membership.) Any fraternal benefit society may admit to beneficial membership any person not less than fifteen years of age, nearest birthday, who has been examined by a legally qualified physician and whose examination has been supervised and approved in accordance with the laws of the society, or who has made declaration of insurability acceptable to the society. Any such member who shall apply for additional benefits more than six months after becoming a beneficial member shall pass an additional medical examination, or make an additional declaration of insurability, as required by the society.

Any person admitted prior to attaining the full age of twenty-one years shall be bound by the terms of the application and certificate and by all the laws and rules of the society, and shall be entitled to all the rights and privileges of membership therein, to the same extent as though the age of majority had been attained at the time of application. A society also

may accept general or social members who shall have no voice or vote in the management of its insurance affairs.

§ 4. **Amendment.)** Section 26-1228 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1228. Use of Funds; Restrictions; Purposes.) Every society, the admitted assets of which are less than the sum of the required reserves and accrued liabilities, shall, in every provision of the laws of the society for payments by members of such society, in whatever form made, distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions thereto shall be used for expenses.

§ 5. **Repeal.)** Section 26-1221 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 26, 1955.

CHAPTER 191

H. B. No. 858
(Delayed Bills Committee)

COUNTY MUTUAL INSURANCE COMPANIES, RESTRICTIONS

AN ACT

To amend and reenact section 26-1513 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to county mutual insurance companies.

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

§ 1. **Amendment.)** Section 26-1513 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1513. Territorial Limits of Company's Operations; Terms of Policies; Property Insurable.) A company formed under the provisions of this chapter shall not insure any property beyond the limits of the territory comprised in the formation of the company except as provided in subsection 3 of section 26-1502 and except that this territorial limitation shall not apply to reinsurance contracts. Its policies shall be issued for not to exceed five years. No policy shall be issued

covering property located within the platted limits of any incorporated municipality in this state. The company shall not insure property other than:

1. Detached dwellings and their contents;
2. Farm buildings and their contents;
3. Country schoolhouses and the furniture, books and fixtures therein;
4. Country churches and the furniture and other contents thereof;
5. Automobiles, and a policy covering automobiles shall cover the same only when they are in buildings or on premises described in the policy;
6. Livestock on the premises of the owner or anywhere within the limits of the territory within which the company is authorized to operate;
7. Farm machinery and vehicles including threshing machines, combine threshers, and tractors, or other farmer owned property as described in the policy; and
8. Hay or grain in stack on the premises of the owner thereof.

Policies issued by the company may cover loss or damage to livestock, harness, vehicles, and farm machinery while temporarily on or off the premises of the insured if the same are not removed more than fifty miles from the state.

Approved March 2, 1955.

CHAPTER 192

H. B. No. 606

(Poling, Erickson of Burke-Divide, and Homelvig)

HAIL INSURANCE COVERAGE

AN ACT

To amend and reenact section 26-2211 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to crops insurable; dates when coverage on insured crops commences and terminates.

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

§ 1. Amendment.) Section 26-2211 of the 1953 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 by owners of such land in the southern counties of this state 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 or winter rye which occurs later than twelve o'clock noon, central standard time of September first nor for a loss to corn or flax which occurs later than twelve o'clock noon, central standard time, of September fifteenth nor for a loss to any other crop which occurs later than twelve o'clock noon, central standard time, September tenth 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.

For purposes of this section, northern counties shall include the counties of Divide, Williams, Burke, Mountrail, Renville, Ward, Bottineau, McHenry, Pierce, Rolette, Benson, Towner, Ramsey, Cavalier, Pembina and Walsh; and southern counties shall include the remainder.

Insurance obtained under the provisions of this chapter by owners of affected land in the northern counties shall not become effective on winter wheat or winter rye before twelve o'clock noon, central standard time, of June tenth and shall not become effective on other crops before twelve o'clock noon, central standard time, of June twentieth of any year. No indemnity shall be allowed for a loss to winter wheat or winter rye which occurs later than twelve o'clock noon, central standard time, of September tenth, nor for a loss to flax which occurs later than twelve o'clock noon, central standard time, of September twenty-fifth, nor for a loss to any other crop which occurs later than twelve o'clock noon, central standard time, of September twentieth in any year, except that the termination date for corn shall be twelve o'clock noon, central standard time, of September fifteenth as in the southern counties.

Approved February 26, 1955.

CHAPTER 193

S. B. No. 129

(Olson)

(By request)

AMOUNT OF HAIL INSURANCE INDEMNITY ALLOWED

AN ACT

To amend and reenact section 26-2223 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to state hail insurance.

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

§ 1. Amendment.) Section 26-2223 of the 1953 Supplement to 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. A loss of one hundred percent of actual determined hail damage may be allowed to insured wheat, oats, barley, rye and flax crops laying in windrows, bound or shocked. 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.

Approved March 5, 1955.

CHAPTER 194

H. B. No. 585

(Erickson of Divide, Link, Gagnum and Homelvig)

LEVY OF HAIL INDEMNITY TAXES

AN ACT

To amend and reenact sections 26-2229 and 26-2230 of the North Dakota Revised Code of 1943 relating to levies for hail indemnity taxes, and declaring an emergency.

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

§ 1. **Amendment.)** Section 26-2229 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2229. Levy of Hail Indemnity Tax.) There shall be levied in each and every year, and in each county in this state, pursuant to section 177 of the Constitution of North Dakota and article 24 of the amendments to the Constitution of North Dakota, an indemnity acreage tax on all lands insured with the state hail insurance department under the provisions of this chapter sufficient to secure the moneys required for the purposes described in this chapter. In no event shall the total of such levy exceed twelve percent of the total risk carried by the department for the year in which the levy is made.

§ 2. **Amendment.)** Section 26-2230 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-2230. Districts In State For Purpose of Levying Hail Indemnity Tax: Rates Between District Levies.) For the purpose of levying the acreage indemnity tax required under the provisions of this chapter, the state shall be divided into six districts based on the actual cost of furnishing protection against loss by hail in the several counties, as follows:

1. District No. 1 shall consist of all counties showing an actual cost of not more than one-half of one percent of the risk carried;
2. District No. 2 shall consist of all counties showing an actual cost of over one-half of one percent but not more than one percent of the risk carried;
3. District No. 3 shall consist of all counties showing an actual cost of over one percent but not more than three percent of the risk carried;

4. District No. 4 shall consist of all counties showing an actual cost of over three percent but not more than five percent of the risk carried;
5. District No. 5 shall consist of all counties showing an actual cost of over five percent but not more than seven percent of the risk carried;
6. District No. 6 shall consist of all counties showing an actual cost of over seven percent of the risk carried and such counties with an average loss ratio of seven percent or over for the current year and the next two preceding years when insurance is carried.

Each year, the commissioner of insurance and the manager of the state hail insurance department, at the time the levy for the hail indemnity tax is fixed, shall determine by the amount of indemnity allowed and the acreage insured within each county for the then current year in which of the said six districts each county shall be placed. Each of the six districts shall be considered a unit when the levy is made, and the actual per acre cost and the rate of the indemnity tax levied shall be based on the following proportions or ratios between the districts: District No. 1, one; District No. 2, two; District No. 3, three; District No. 4, four; District No. 5, five; District No. 6, six.

§ 3. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its approval.

Approved March 3, 1955.

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 195

S. B. No. 135
(Judiciary Committee)

JUDICIAL DISTRICTS; APPOINTMENT OF ADDITIONAL JUDGE

AN ACT

Relating to and providing for judges of the Fourth Judicial District of the state; amending and reenacting subsection 4 of section 27-0501 of the North Dakota Revised Code of 1943.

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

§ 1. **Amendment.**) Subsection 4 of section 27-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. District Number Four shall consist of the counties of Stutsman, Wells, Foster, Eddy, McLean, Sheridan, Burleigh, and Kidder, and shall have three judges;

§ 2.) The governor shall appoint a judge of the Fourth Judicial District to serve until the next general election at which no judge of such district is otherwise to be elected due to the expiration of an elective term and until his successor is elected and has qualified.

Approved March 1, 1955.

CHAPTER 196

H. B. No. 620
(Davis and Mueller)

FILING FEES IN COUNTY COURTS

AN ACT

To amend and reenact section 27-0740 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to filing fees in county courts.

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

§ 1. **Amendment.**) Section 27-0740 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0740. Filing Fees For Estates and Guardianships: Amount; When and Where To Be Paid.) Before a petition for letters testamentary, of administration, of guardianship, of proceedings in heirship, or an application in joint tenancy to determine estate tax, is filed in a county court of this state, the petitioner, or someone on his behalf, shall pay a filing fee into the county treasury of the county in which the court is located which shall be in the sum of seven dollars and fifty cents, except that the filing fee for applications in joint tenancy to determine estate tax shall be in the sum of three dollars and such filing fee for applications in joint tenancy to determine estate tax shall not be subject to the provisions of section 27-0741 of the 1953 Supplement to the North Dakota Revised Code of 1943.

Approved February 26, 1955.

CHAPTER 197

H. B. No. 685
(Haugland, Saugstad,
(Simonson (9th), Brooks)
(and Baldwin)

CLERKS OF COUNTY COURTS WITH INCREASED JURISDICTION

AN ACT

To amend and reenact section 27-0812 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to clerks of the county court with increased jurisdiction, their appointment and salary.

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

§ 1. **Amendment.**) Section 27-0812 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0812. County Judge May Appoint Clerk of County Court In Certain Counties; Salary.) In a county having a population of twenty-five thousand inhabitants or more, and having a county court with increased jurisdiction, the clerk of such county court, if one is appointed by the judge thereof, shall be the clerk of such court for all purposes. In such case, the clerk shall receive, as full compensation for his services, such salary as may be fixed by the county commissioners. Such salary shall be paid monthly by the county in the same manner as the salaries of other county officers are paid.

Approved March 1, 1955.

CHAPTER 198

H. B. No. 595

(Brooks)

REPORTERS OF COUNTY COURTS WITH INCREASED
JURISDICTION; APPOINTMENT, ETC.

AN ACT

To amend and reenact section 27-0818 of the North Dakota Revised Code of 1943, relating to court reporters in county courts of increased jurisdiction.

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

§ 1. Amendment.) Section 27-0818 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0818. Reporters of County Court Having Increased Jurisdiction: Appointment; Term; Method of Qualifying; Compensation.) The judge of a county court having increased jurisdiction may appoint a court reporter of such court who shall hold office at the pleasure of such judge. Such reporter shall qualify in the same manner as the reporter of a district court and his duties shall be governed by the provisions of law relating to the duties of the reporter of a district court. Such reporter shall receive such compensation as may be fixed by the judge and approved by the county commissioners. His fees for transcripts shall be the same as those of district court reporters.

Approved February 26, 1955.

CHAPTER 199

H. B. No. 683
(Brooks and Gefreh)

COUNSEL FOR INDIGENT DEFENDANTS IN COUNTY COURTS
WITH INCREASED JURISDICTION

AN ACT

To amend and reenact section 27-0831 of the North Dakota Revised Code of 1943, relating to assignment of counsel for indigent defendants in county courts having increased jurisdiction and compensation thereof.

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

§ 1. Amendment.) Section 27-0831 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0831. Assignment of Counsel For Indigent Defendants In County Courts Having Increased Jurisdiction.) In all criminal cases in the county court having increased jurisdiction, when it is satisfactorily shown to the court that the defendant has no means and is unable to employ counsel, the court shall assign counsel for the defense and allow and direct to be paid by the county in which said court is held a reasonable and just compensation to the attorney or attorneys assigned for such services as they may render, but such compensation shall not exceed fifty dollars in any one case.

Approved March 1, 1955.

CHAPTER 200

H. B. No. 714

(Frank, Thompson of McLean)

JURORS FEES AND MILEAGE

AN ACT

To amend and reenact subdivision 2, 3 and 4 of section 27-0905 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to fees and mileage for jurors.

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

§ 1. Amendment.) Subsections 2, 3 and 4 of section 27-0905 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

2. Four dollars for each day's attendance as a juror in justice court;
3. Four dollars, payable by the county, for each day's attendance at a coroner's inquest; and
4. Traveling expenses, payable by the county, of seven and one-half cents per mile for each mile actually and necessarily traveled each way.

Approved February 28, 1955.

CHAPTER 201

S. B. No. 141

(Day, Duffy, Holand and Knudson)

ANNUAL ATTORNEYS' LICENSE TO PRACTICE LAW; FEES

AN ACT

To amend and reenact sections 27-1122 and 27-1204 of the North Dakota Revised Code of 1943, relating to annual attorneys' licenses to practice law, the fee therefor, and payment from the state bar fund.

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

§ 1. Amendment.) Section 27-1122 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1122. Annual Licenses To Practice Law: Requirement of; Issuance of; Fees For.) Every person who has an unrevoked certificate of admission to the bar of this state and who desires to engage in the practice of law therein, on or before the first day of January of each calendar year, shall secure an annual license to practice from the state bar board. Such license shall be issued by the secretary-treasurer of such board upon payment of a fee of fifteen dollars and shall be good for one year from and after the first day of January of the year for which it is issued.

§ 2. Amendment.) Section 27-1204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1204. Moneys Payable From State Bar Fund To Bar Association of State of North Dakota.) The bar association of the state of North Dakota, out of the state bar fund, annually shall receive the sum of ten dollars per licensed member for the purpose of paying for the printing and distribution of the annual report and proceedings of said association and for the payment of other necessary expenses of the association. Such sum shall be paid quarterly into the treasury of the said association by the secretary-treasurer of the state bar board upon vouchers drawn by the president and secretary-treasurer of said association.

Approved March 1, 1955.

CHAPTER 202

H. B. No. 563

(Brooks)

COMPENSATION OF JUVENILE COMMISSIONERS,
REPORTERS OR ASSISTANTS

AN ACT

To amend and reenact section 27-1603 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the compensation of juvenile commissioners and providing for a reporter or an assistant and their compensation.

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

§ 1. **Amendment.)** Section 27-1603 of the 1953 Supplement to 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 the amount fixed for the compensation of the juvenile commissioner.

Approved March 7, 1955.

JUDICIAL PROCEDURE, CIVIL

CHAPTER 203

S. B. No. 186
(Day)

ACTIONS OUT OF CROP DUSTING—LIMITATIONS

AN ACT

Relating to actions arising out of the use or application of any herbicide, insecticide, fungicide or agricultural chemical by aircraft; provision for filing reports of loss and time limitations.

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

§ 1. **Limitations For Actions.**) No civil action shall be commenced arising out of the use or application of any herbicide, insecticide, fungicide or agricultural chemical by aircraft, unless the claimant has filed a verified report of the loss with the state of North Dakota aeronautics commission, together with proof of service of such verified report of loss upon the operator or applicator allegedly responsible and the person for whom such work was done within a period of 60 days from the occurrence of such loss or within 60 days from the date the claimant knew such loss had occurred, provided, however, if the damage is alleged to have been occasioned to growing crops, the report shall be filed prior to the time when 50 percent of the crop was harvested.

§ 2. **Contents of Verified Reports.**) The verified report of the loss as set forth in section one herein shall include, so far as known to the claimant the following: name and address of claimant, type, kind, and location of property allegedly injured or damaged, date the alleged injury or damage occurred, name of operator or applicator allegedly responsible for such loss or damage, and the name of the owner or occupant of the property for whom such operator or applicator was rendering labor or services.

Approved March 9, 1955.

CHAPTER 204

S. B. No. 87
(Day)

SERVICE OF PROCESS; NON-RESIDENT HIGHWAY USERS

AN ACT

To amend and reenact section 28-0611 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to service of process upon non-resident highway users.

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

§ 1. **Amendment.**) Section 28-0611 of the 1953 Supplement to 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 nonresident 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 the use or operation of the motor vehicle resulting in damages or loss to person or property, whether the damage or loss occurs upon a public highway or upon public or private 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, or, in case of his death, that such process shall have the same legal force and effect as if served upon the administrator of his estate. 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.

Approved March 2, 1955.

CHAPTER 205

H. B. No. 666
(Gefreh, Stockman, Beede)
(and Brooks)

AFFIDAVITS OF PREJUDICE IN DISTRICT COURT

AN ACT

To amend and reenact section 28-1301 of the North Dakota Revised Code of 1943, relating to affidavits of prejudice in district court.

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

§ 1. **Amendment.**) Section 28-1301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-1301. Prejudice Or Bias of Judge; Affidavit; Filing.)
When either party to a civil action pending in any of the district courts of this state, after issue joined and before the opening of any regular, special, or adjourned term at which the cause is to be tried, shall file an affidavit stating that he has reason to believe and does believe that he cannot have a fair and impartial trial or hearing before the judge presiding at the term of court at which such action is to be tried, by reason of the bias and prejudice of such judge, the judge shall proceed no further in the action and thereupon shall be disqualified to do any further act in the cause. Such affidavit may be made by the party or by his attorney on his behalf.

Approved March 1, 1955.

CHAPTER 206

S. B. No. 190
(Bridston and Duffy)

RENEWAL AND CANCELLATION OF JUDGMENT

AN ACT

Relating to renewal and cancellation of judgments.

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

§ 1. Cancellation of Judgment of Record.) After ten years after the entry of a judgment that has not been renewed, or after twenty years after the entry of a judgment that has been renewed, the judgment shall be canceled of record.

Approved March 5, 1955.

CHAPTER 207

H. B. No. 629
(Beede and Gefreh)

ORDERS OF THE INSURANCE COMMISSIONER; APPEAL

AN ACT

To provide for appeal from orders of the insurance commissioner and declaring an emergency.

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

§ 1.) Any order or decision of the insurance commissioner, unless otherwise specifically provided for by law, shall be subject to review or appeal in the courts of this state, in the manner provided by chapter 28-32 of the North Dakota Revised Code of 1943 as the same has been or may hereafter be amended.

§ 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, 1955.

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 208

H. B. No. 684
(Brooks and Gefreh)

COUNSEL FOR INDIGENT DEFENDANTS; COMPENSATION

AN ACT

To amend and reenact section 29-0127 of the North Dakota Revised Code of 1943, relating to compensation and limitation of assignment of counsel for indigent defendants.

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

§ 1. Amendment.) Section 29-0127 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

29-0127. Indigent Defendant; Attorney Appointed; Compensation; Limitation.) In all criminal actions when it is satisfactorily shown to the court that the defendant has no means and is unable to employ counsel, the court shall appoint and assign counsel for his defense and allow and direct to be paid by the county in which such trial is had a reasonable and just compensation to the attorney so assigned for such services as he may render, but such attorney shall not be paid a sum to exceed twenty-five dollars per day in any one case.

Approved March 1, 1955.

CHAPTER 209

H. B. No. 840
(Gefreh and Beede)

BAIL PENDING EXTRADITION**AN ACT**

Providing for bail pending determination of habeas corpus proceedings in extradition cases.

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

§ 1.) Pending the determination of habeas corpus proceedings, a person taken into custody under a warrant issued by the governor of this state upon the requisition of the governor of another state or territory at the discretion of the court or judge may be admitted to bail by the court or judge issuing the writ of habeas corpus.

Approved March 1, 1955.

JUDICIAL PROCEDURE, PROBATE

CHAPTER 210

S. B. No. 136
(Judiciary Committee)

NOTICE TO FOREIGN HEIRS

AN ACT

To amend and reenact section 30-0213 of the North Dakota Revised Code of 1943 as amended, relating to notice of foreign heirs.

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

§ 1. Amendment.) Section 30-0213 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-0213. Notice To Foreign Heirs.) If it shall appear that a deceased resident of any of the states of the United States of America, left heirs, devisees, or legatees in any foreign country, the petitioner in any proceeding in county court, his attorney or agent, at least fourteen days prior to the date fixed for any hearing in the proceedings shall give notice of such hearing to the consul or other representative of such foreign country, if he resides in this state and has filed a copy of his appointment with the secretary of state or to the nominee or nominees of such consul or representative. If there is no consul or representative of such country in this state, then such notice shall be given to the chief diplomatic representative of such country at Washington, D.C., or to the respective consuls or other representatives in the United States having jurisdiction in the state of North Dakota or to the secretary of state at Bismarck, North Dakota, who shall forward the same to such representative.

Approved March 1, 1955.

CHAPTER 211

H. B. No. 778

(Beede)

SUMMARY ADMINISTRATION OF SMALL ESTATES

AN ACT

To amend and reenact section 30-1705 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to summary administration of small estates and providing for assignment of such estates to the surviving spouse or minor children.

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

§ 1. **Amendment.**) Section 30-1705 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1705. Assignment To Family Subject To Mortgages, Liens and Encumbrances.) If, upon the hearing held pursuant to a petition made as provided in section 30-1702, or upon the return of an inventory as provided in section 30-1701, the court finds that the value of the estate after payment of the expenses of the last illness of the decedent, funeral expenses, and expenses of administration, does not exceed the sum of twenty-five hundred dollars, it, by a decree for that purpose, shall assign the whole estate, real and personal, after such payment, to:

1. The surviving husband or wife of the testator or intestate, if there is a surviving husband or wife; or
2. The minor child or children of the deceased, if there are minor children, and there is no surviving husband or wife.

The title thereof shall vest absolutely in such surviving husband or wife or minor children subject to the mortgages, liens, or encumbrances upon said estate at the time of the death of the decedent and there must be no further proceedings in the administration unless further estate is discovered.

Approved March 1, 1955.

CHAPTER 212

S. B. No. 44
(Legislative Research Committee)

COUNTY COURTS' ORDERS TO MORTGAGE

AN ACT

To amend and reenact section 30-1933 of the North Dakota Revised Code of 1943, relating to orders to mortgage by county courts.

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

§ 1. **Amendment.)** Section 30-1933 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1933. Order Must Specify Terms of the Mortgage.) An order to mortgage made by a county court must fix:

1. The amount for which the mortgage may be given;
2. The rate of interest that may be paid thereon; and
3. The number of years which the mortgage is to run.

Approved February 26, 1955.

JUDICIAL PROOF

CHAPTER 213

S. B. No. 228
(Holand and Knudson)

COMPETENCY OF SPOUSE AS WITNESS; EXCEPTION

AN ACT

To amend and reenact section 31-0102 of the North Dakota Revised Code of 1943, relating to competency as a witness of one spouse against the other.

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

§ 1. **Amendment.)** Section 31-0102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

31-0102. Competency of Husband Or Wife As Witness; Communications Made During Marriage; Exceptions.) A husband cannot be examined as a witness for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This section, however, shall not apply to a civil action or proceeding by one against the other, nor to a civil action or proceeding where one spouse attacks the character of the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to an action or proceeding to enforce support of minor children.

Approved March 5, 1955.

CHAPTER 214

H. B. No. 687
(Brooks and Gefreh)

EXAMINATION OF ADVERSE PARTIES BEFORE TRIAL

AN ACT

To amend and reenact section 31-0203 of the North Dakota Revised Code of 1943, relating to the examination of adverse parties before trial and declaring an emergency.

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

§ 1. **Amendment.**) Section 31-0203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

31-0203. Examination of Adverse Party Before Trial: Notice; Reference; Compelling Attendance.) The examination instead of being had at the trial as provided in section 31-0202, at the option of the party claiming it, may be had at any time before the trial before a judge of the court in which the action is pending or before a referee appointed for that purpose by a judge of such court. If such examination is had before trial, notice of not less than five days shall be given to the party to be examined and to any other adverse party, unless for good cause shown the judge orders otherwise. The party to be examined shall not be compelled to attend in any county other than that of his residence or where he may be served with a subpoena for his attendance, except that nonresidents instituting actions in North Dakota or counterclaiming in pending actions shall be subject to examination in the judicial district in which the action is commenced. If a referee is appointed, the provisions of c. 17 of the title Judicial Procedure, Civil, shall be applicable thereto and the referee shall take the testimony either himself or by a stenographer in his presence. The testimony so taken shall be certified by the referee.

§ 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, 1955.

CHAPTER 215

S. B. No. 56
(Duffy)

SIMULTANEOUS DEATH—SURVIVORSHIP

AN ACT

To amend and reenact section 31-1206 of the North Dakota Revised Code of 1943, relating to the application of chapter 31-12 where other provision is made by the decedent.

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

§ 1. Amendment.) Section 31-1206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

31-1206. Chapter Does Not Apply If Decedent Provides Otherwise.) This chapter shall not apply in the case of wills, living trusts, deeds, or contracts of insurance, or any other situation where provision is made for distribution of property different from the provisions of this chapter, or where provision is made for a presumption as to survivorship which results in a distribution of property different from that here provided.

Approved March 1, 1955.

LIENS

CHAPTER 216

S. B. No. 83
(Baeverstad and Hernett)

CHATTEL MORTGAGES—FUTURE ADVANCES

AN ACT

To permit the giving of chattel mortgages to secure existing or contemporaneous debts and future advances, and to establish the priority and extent of the lien thereof.

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

§ 1.) Personal property may be mortgaged to secure existing debts, to secure debts created simultaneously with the execution of the mortgage, and to secure advances then in contemplation but to be made in the future. The total amount of all future advances contemplated and to be subject to mortgage protection must be stated in the mortgage, provided the mortgagee may reserve the right, at the mortgagee's option to refuse to make all or any part thereof. The lien for said stated amount of said future advances shall have priority to the same extent as if the amount thereof had been actually advanced by the mortgagee to the mortgagor at the time of the execution of the mortgage. The mortgagee shall, upon demand of the mortgagor or a creditor, furnish a statement of all such advances and amounts paid on the principal sum secured, provided such statement shall not impair or affect the lien created for all advances. Upon receipt of such statement, or at any other time following the execution and delivery of the mortgage, the mortgagor may deliver written notice, duly acknowledged, to the mortgagee plainly stating that the mortgagor does not desire to request or apply for any future advances if none have been allowed, or for any further advances if additional advances have in fact been theretofore allowed under the mortgage, clearly identifying the mortgage by reference to its date, the parties thereto and the principal amount of the original indebtedness and the limit placed on contemplated future advances, if allowed. Upon the filing of such written notice by the mortgagor in the county and counties where the mortgage is filed, the lien of the mortgage shall continue to have priority, but only for the aggregate amount of the indebtedness then existing, including any

advances theretofore made, interest due and other charges as evidenced by the original loan-contract, and indebtedness thereafter accumulating on such basis, exclusive of any other future advances originally contemplated. Any lien entitled to actual priority over the lien of mortgage by force of any express provision of the laws of this state shall continue to have priority to the extent prescribed by law.

Approved February 26, 1955.

CHAPTER 217

S. B. No. 106
(Knudson)

RENEWAL AND LIMITATION OF CHATTEL MORTGAGES

AN ACT

Amending and reenacting section 35-0410 of the North Dakota Revised Code of 1943, relating to renewal and limitation of chattel mortgages.

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

§ 1. Amendment.) Section 35-0410 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-0410. Renewal and Limitation: Cancellation and Satisfaction.) A mortgage of personal property ceases to be valid as against creditors of the mortgagor and subsequent purchasers and encumbrancers in good faith after the expiration of three years from the due date, except that it may be renewed for an additional period of three years from the expiration of the said period by filing in the office of the register of deeds of the county in which the mortgage was filed originally, within ninety days next preceding the expiration date of such term, a statement and affidavit setting forth the exact amount of the debt then existing for which the mortgagee, his agent, attorney, or assignee, claims a lien. Any chattel mortgage filed under the provisions of this section, and any renewal thereof, shall become void as against all persons and shall be cancelled of record at the end of six years from the due date of the original mortgage. All chattel mortgages or instruments of like nature shall be kept on file in the office of the register of deeds for a period of three years after they have expired and thereafter may be removed from the files

and stored for safekeeping. Mortgages of personal property belonging to public utility companies need not be renewed, and trust deeds or other trust conveyances, instruments, or chattel mortgages executed to secure bonds or other indebtedness of corporations need not be renewed, and shall remain in full force and effect so long as any bonds or indebtedness issued thereunder remain outstanding.

Approved March 2, 1955.

CHAPTER 218

S. B. No. 220
(Judiciary Committee)

ABSTRACT OF CROP LIENS

AN ACT

To amend and reenact section 35-0506 of the North Dakota Revised Code of 1943 relating to abstract of crop liens.

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

§ 1. Amendment.) Section 35-0506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-0506. Abstract Of Crop Liens: Fees; Duty Of Register Of Deeds.) Any elevator company doing business in the state may make written application to the register of deeds for an abstract of all mortgages and liens upon grain grown during the year within the county. The application shall be made annually prior to June first, and shall state the name and post office address of the applicant and shall be accompanied by a fee of ten dollars in counties where the number of such liens abstracted in the preceding calendar year did not exceed two thousand five hundred; a fee of fifteen dollars in counties where the number of such liens abstracted in the preceding year exceeded two thousand five hundred and did not exceed five thousand; and a fee of twenty dollars in counties where the number of such liens abstracted in the preceding year exceeded five thousand. The register of deeds shall credit such fees to the county general fund. The register of deeds, on or before the fifteenth day of July of each year, shall mail to each applicant who has paid the fee for the year an abstract of all existing mortgages and liens upon grain or crops raised or to be raised during the year, showing the names of the

persons against whom liens are claimed arranged alphabetically, the names of the persons holding or claiming liens, a description of the land upon which the grain upon which a lien is claimed is to be raised, the kind of grain, and the amount of the lien. The abstract also shall contain a list of all mortgages and liens filed against crops or grain grown in such crop year which have been satisfied. At least once each week during the balance of the calendar year, the register of deeds shall mail to each of the applicants a similar abstract of liens, mortgages, and releases filed in his office since the date of the preceding abstract.

Approved March 9, 1955.

CHAPTER 219

S. B. No. 237
(Knudson)

SEED LIEN; PROCEDURE

AN ACT

To amend and reenact section 35-0902 of the North Dakota Revised Code of 1943, relating to procedure for obtaining a seed lien.

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

§ 1. **Amendment.)** Section 35-0902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-0902. Procedure To Obtain Seed Lien.) Any person entitled to a lien under this chapter, within ninety days after the seed is furnished, shall file in the office of the register of deeds of the county in which the seed is to be sown or planted a statement in writing, verified by oath, showing the kind and quantity of the seed, its value, the name of the person to whom furnished, and a description of the land upon which the same is to be or has been planted or sown. Unless the person entitled to the lien shall file the statement within the time herein provided, he shall be deemed to have waived his right thereto.

Approved March 3, 1955.

CHAPTER 220

S. B. No. 90
(Schmit)

HOUSE MOVER'S LIEN

AN ACT

To amend and reenact section 35-2013 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to house mover's liens.

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

§ 1. **Amendment.)** Section 35-2013 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-2013. Lien Statement For House Mover's Lien; When Required; Contents; Filing; Enforcement; Requiring Suit To Be Commenced.) The lien provided for in section 35-2012 must be perfected within ninety days after such moving is completed by recording a verified statement showing:

1. The labor performed and the materials furnished;
2. The price agreed upon, or if no price was agreed upon, the reasonable value of the work done and the materials furnished;
3. The name of the person for whom the work was performed; and
4. A description of the building moved and the description of the land upon which the building is located.

Such statement must be recorded in the office of the register of deeds of the county in which such building remains after moving. Unless such statement is recorded as aforesaid, any lien hereunder shall be deemed to be lost and waived. The house mover's lien provided for herein shall be enforced according to the provisions and procedure set out in section 35-1221; and the owner, his agent, or contractor may require suit to be commenced according to the provisions and procedure set out in section 35-1222.

Approved March 9, 1955.

CHAPTER 221

H. B. No. 570

(Brooks, Gefreh, Langseth)

LIEN FOR OIL OR GAS WELL DRILLING OR
PIPELINE CONSTRUCTION

AN ACT

Providing for a lien in favor of persons performing labor or furnishing material or services in relation to the drilling or operating of oil or gas wells or in the construction of pipelines or in constructing or repairing of any material used or employed therein, and providing for the filing, perfection and enforcement of said lien.

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

§ 1. **Definitions.)** The following words when used in this Act, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

1. "Person" means an individual, corporation, firm, partnership, or association;
2. "Owner" means a person holding any interest in the legal or equitable title or both to any leasehold for oil or gas purposes, or any pipeline, or his agent, and shall include purchasers under executory contract, receivers, and trustees;
3. "Contract" means a contract, written or oral, express or implied, or partly express and partly implied, or executory or executed, or partly executory and partly executed;
4. "Material" means material, machinery, equipment, appliances, buildings, structures, tools, bits, or supplies but does not include rigs or hoists or their integral component parts except wire lines;
5. "Labor" means work performed in return for wages;
6. "Services" means work performed exclusive of labor, including the hauling of material, whether or not involving the furnishing of material;
7. "Furnish" means sell or rent;
8. "Drilling" means drilling, digging, torpedoing, acidizing, cementing, completing or repairing;
9. "Operating" means all operations in connections with or necessary to the production of oil or gas;

10. "Construction" means construction, maintenance, operation, or repair;
11. "Pipeline" means any pipeline laid and designed as a means of transporting natural gas, oil, or gasoline, or their components or derivatives, and the right of way therefor;
12. "Original contractor" means any person for whose benefit a lien is prescribed under section 2 of this Act.

§ 2. Who Entitled To Lien; Amount of Lien.) Any person who shall, under contract with the owner of any leasehold for oil or gas purposes or any pipeline, perform any labor or furnish any material or services used or employed, or furnished to be used or employed in the drilling or operating of any oil or gas well upon such leasehold, or in the construction of any pipeline, or in the constructing, putting together, or repairing of any material so used or employed, or furnished to be used or employed, shall be entitled to a lien under this Act, whether or not a producing well is obtained and whether or not such material is incorporated in or becomes a part of the completed oil or gas well, or pipeline, for the amount due him for the performance of such labor or the furnishing of such material or services, including without limitation transportation and mileage charges connected therewith, and interest from the date the same was due.

§ 3. Property Subject To Lien.) Liens created under section 2 of this Act shall extend to:

1. The whole of the leasehold for oil or gas purposes to which the materials or services were furnished, or for which the labor was performed, and the appurtenances thereunto belonging; and
2. All materials and fixtures owned by the owner or owners of such leasehold and used or employed, or furnished to be used or employed in the drilling or operating of any oil or gas well located thereon; and
3. All oil or gas wells located on such leasehold, and the oil or gas produced therefrom, and the proceeds thereof inuring to the working interest therein as such working interest existed on the date such labor was first performed or such material or services were first furnished; or
4. The whole of the pipeline to which the materials or services were furnished, or for which labor was performed, and all buildings and appurtenances thereunto belonging, including, without limiting the generality of

the foregoing, gates, valves, pumps, pump stations, and booster stations, and upon all materials and fixtures owned by the owner of such pipeline and used or employed or furnished to be used or employed in the construction thereof.

§ 4. Subcontractor's Lien.) Any person who shall, under contract, perform any labor or furnish any material or services as a subcontractor under an original contractor or for or to an original contractor or a subcontractor under an original contractor, shall be entitled to a lien upon all the property upon which the lien of an original contractor may attach to the same extent as an original contractor, and the lien provided for in this section shall further extend and attach to all materials and fixtures owned by such original contractor or subcontractor to or for whom the labor is performed or material or services furnished and used or employed, or furnished to be used or employed in the drilling or operating of such oil or gas wells, or in the construction of such pipeline.

§ 5. Forfeiture Or Failure of Title.) Forfeiture of a leasehold estate shall not impair any lien as to material, appurtenances and fixtures located thereon and to which said lien has attached prior to forfeiture. If a lien provided for in this Act attaches to an equitable interest or to a legal interest contingent upon the happening of a condition subsequent, failure of such interest to ripen into legal title or such condition subsequent to be fulfilled, shall not impair any lien as to material, appurtenances and fixtures located thereon and to which said lien had attached prior to such failure.

§ 6. Notice To Purchaser Of Oil And Gas.) Anything in this Act to the contrary notwithstanding, any lien claimed by virtue of this Act insofar as it may extend to oil or gas or the proceeds of the sale of oil or gas shall not be effective against any purchaser of such oil or gas until written notice of such claim has been delivered to such purchaser. Such notice shall state the name of the claimant, his address, the amount for which the lien is claimed, and a description of the leasehold upon which the lien is claimed. Such notice shall be delivered personally to the purchaser or by registered letter deposited in the United States mails. Until such notice is delivered as above provided, no such purchaser shall be liable to the claimant for any oil or gas produced from the leasehold upon which the lien is claimed or the proceeds thereof except to the extent of such part of the purchase price of such oil or gas or the proceeds thereof as may be owing by such purchaser at the time of delivery of such written notice. Such purchaser shall withhold payments for such oil or gas runs to the extent of the lien amount claimed until delivery of notice in writing that the claim has been paid.

§ 7. Rights of Subcontractor Against Contract Price.) Nothing in this Act shall be deemed to fix a greater liability upon an owner in favor of any claimant under an original contractor than the amount for which the owner would be liable to the original contractor; provided, however, that the risk of all payments made to the original contractor shall be upon the owner after the receipt of notice that a lien is claimed by a person other than the original contractor; and provided further, that an owner shall not have the right to offset obligations of the original contractor unless such obligations arise out of the original contract.

§ 8. Date Lien Arises; Preference Over Other Encumbrances.) The lien provided for in this Act arises on the date of the furnishing of the first item of material or services or the date of performance of the first labor. Upon compliance with the provisions of section 11, such lien shall be preferred to all other titles, charges, liens or encumbrances which may attach to or upon any of the property upon which a lien is given by this Act subsequent to the date the lien herein provided for arises.

§ 9. Parity Of Liens; Exception.) All liens affixed by virtue of this Act upon the same property shall be of equal standing except that liens of persons for the performance of labor shall be preferred to all other liens affixed by virtue of this Act.

§ 10. Continuing Deliveries Under Single Contract.) All labor performed or materials or services furnished by any person entitled to a lien under this Act upon the same leasehold for oil and gas purposes or the same pipeline shall for the purposes of this Act be considered as having been performed or furnished under a single contract regardless of whether or not the same was performed or furnished at different times or on separate orders, provided that no more than six months shall have elapsed between the date of performance of such labor or the date of furnishing such material or services and the date on which labor is next performed or materials or services are next furnished.

§ 11. Contents and Filing of Statement of Lien.) Every person claiming a lien under this Act, shall file with the clerk of district court of the county in which such leasehold, or pipeline, or some part thereof, is situated, a statement verified by affidavit setting forth the amount claimed and the items thereof, the dates on which labor was performed or material or services furnished, the name of the owner of the leasehold, or pipeline, if known, the name of the claimant and his mailing address, a description of the leasehold, or pipeline, and if the claimant be a claimant under section 4, the name of the person

for whom the labor was immediately performed or the material or services were immediately furnished. Said statement of lien must be filed within six months after the date on which the claimant's labor was last performed or his material or services were last furnished under a single contract as provided for in section 10.

§ 12. Recording of Statement of Lien.) Immediately upon receipt of the statement of lien mentioned in section 11, the clerk of the district court shall give such statement a file number and shall file the same and in addition shall enter a record of the same in a book kept by him for that purpose, to be called "Oil and Gas Lien Record", which shall be ruled off into separate columns with headings as follows: "File Number", "When Filed", "Name of Owner", "Name of Claimant", "Amount Claimed", "Description of" and "Remarks", and the clerk of the district court shall make the proper entries under each column. The fee to be charged by the clerk of the district court for the filing of such lien statement shall be one dollar.

§ 13. Bond To Indemnify Against Liens.)

1. Whenever any lien or liens shall be fixed or attempted to be fixed under the provisions of this Act then the owner of the property on which the lien or liens are claimed or the contractor or subcontractor through whom such lien or liens are claimed, or either of them, may file a bond with the clerk of the district court of the county in which the property is located as herein provided. Such bond shall describe the property on which lien or liens are claimed, shall refer to the lien or liens claimed in manner sufficient to indemnify [identify] them and shall be in double the amount of the claimed lien or liens referred to and shall be payable to the party or parties claiming same. Such bond shall be executed by the party filing same as principal and by a corporate surety authorized under the laws of this state, to execute such bonds as surety and shall be conditioned substantially that the principal and surety will pay to the obligees named or their assigns the amounts of the liens so claimed by them with all costs in the event same shall be proven to be liens on such property.
2. Upon the filing of such bond, the clerk of the district court shall send a notice thereof, together with a copy of the bond, to all obligees named therein, by registered mail addressed to such obligees at the address set forth in their respective claims for lien.
3. Such bond, when filed, and such notice, when mailed, shall be recorded by the clerk of the district court in the

oil and gas lien records, and any purchaser or lender may rely upon the record of such bond and notice in acquiring any interest in said property and shall absolutely be protected thereby.

4. Such bond, when filed, shall take the place of the property against which any claim for lien referred to in such bond is asserted. At any time within the period of time provided in section 14 any person claiming such lien may sue upon such bond but no action shall be brought upon such bond after the expiration of such period. One action upon said bond shall not exhaust the remedies thereon but each obligee or assignee of an obligee named therein may maintain a separate suit thereon in any court having jurisdiction.
5. In case the lien holder shall recover in a suit upon the bond he shall be entitled to recover a reasonable attorney's fee, to be fixed by the court, which shall be taxed as costs in the action.

§ 14. Duration Of Lien; Suit To Foreclose.) Any lien provided for by this Act may be enforced by civil action in the district court of the county in which the leasehold, or pipeline, or some part thereof, is situated. Such action shall be brought within two years from the time of the filing of the lien statement as provided for in section 11. Any lien statement may be amended by leave of court in furtherance of justice as pleadings may be in any matter except that the amount claimed shall not be increased.

§ 15. Parties To Suit To Foreclose.) In such actions all persons whose liens are filed as herein provided and other encumbrancers may be made parties and the issues shall be made and the trials shall be conducted as in other civil cases. Where such action is brought by any person other than an original contractor, the original contractor through whom such person claims a lien shall be made a party defendant and shall at his own expense defend against the claim and if the contractor fails to make such defense, the owner may make the same at the expense of such original contractor. Until all claims, costs and expenses are finally adjudicated and defeated or satisfied, the owner shall be entitled to retain from the original contractor the amount thereof.

§ 16. Consolidation Of Suits To Foreclose; Intervention.) If several actions brought to enforce liens under this Act on the same property be pending at the same time, the court may order them to be consolidated. Any claimant having filed his statement of lien as herein provided shall be entitled to intervene in any pending action brought to enforce a lien on the same property.

§ 17. Removal Prohibited; Injunction; Lien Follows Property Wrongfully Removed.) When any lien provided for by this Act shall have attached to the property covered thereby, it shall be unlawful for any person to remove such property, or any part thereof, or cause the same to be removed from the land or premises where located at the time such lien attached or otherwise dispose of the same without the written consent of the holder of such lien. In the event such property, or some part thereof, is about to be removed or disposed of in violation of this section, the district court of the county where such property, or any part thereof, is located may upon the verified application of the holder of such lien enjoin all persons alleged in such application to be about to remove or dispose of such property, or some part thereof, from removing or disposing of the same. In the event such property, or any part thereof, shall have been removed or disposed of in violation of this section, the holder of such lien shall be entitled in any action to foreclose the same to the appointment of a receiver to take possession of such removed or disposed of property wherever the same may be located within this state; provided, however, that this section shall not preclude the appointment of receiver in actions brought to foreclose liens given by this Act upon any equitable grounds warranting such appointment. This section shall not apply to any lien claims which have been discharged by the filing of a bond as provided by section 13 of this Act.

§ 18. Sale Pursuant To Foreclosure.) In all cases where judgment may be rendered in favor of any person to enforce a lien under the provisions of this Act, the leasehold, pipeline, or other property shall be ordered to be sold as in other cases of sales of real estate or chattels, whichever may apply.

§ 19. Allowance of Reasonable Attorney's Fees In Foreclosure.) In any action brought to enforce a lien prescribed by this Act, the party for whom judgment is rendered shall be entitled to recover a reasonable attorney's fee, to be fixed by the court, which shall be taxed as costs in the action.

§ 20. Personal Actions.) Nothing in this Act shall be construed to impair or affect the right of any person to whom any debt may be due for work performed or materials or services furnished to maintain a personal action against the person liable for such debt.

§ 21. Waivers.) The taking of any note or any additional security by any person given a lien by this Act shall not constitute a waiver of the lien given by this Act unless made a waiver by express agreement of the parties in writing. The claiming of a lien under this Act shall not constitute a waiver

of any other right or security held by the claimant unless made a waiver by express agreement of the parties in writing.

§ 22. Assignment of Liens and Actions.) All claims for liens and likewise all actions to recover therefor under this Act shall be assignable so as to vest in the assignee all rights and remedies herein given subject to all defenses thereto that might be raised if such assignment had not been made. Where a statement of lien has been filed as herein provided, such assignment may be made by an entry on the same page of the oil and gas lien record containing a record of the lien signed by the claimant or his lawful representative and attested by the clerk of the district court or such assignment may be made by a separate instrument in writing.

§ 23. Saving Clause.) All liens granted by this Act shall be perfected and enforced in accordance with the provisions hereof whether such liens arise before or after the effective date of this Act; provided, however, that any unperfected lien granted under any statute in effect prior to the effective date of this Act and which could be subsequently perfected in accordance with such prior statute were it not for the existence of this Act may be perfected and enforced in accordance with the provisions of this Act if the statement of lien required to be filed under section 12 is filed within the time therein required or within two months after the effective date of this Act, whichever period is longer; and provided further that the validity of any lien perfected prior to the effective date of this Act in accordance with the requirements of any statute in effect prior to such effective date shall be determined on the basis of such prior statute but the enforcement thereof shall insofar as possible be governed by the provisions of this Act.

§ 24. Liberal Construction.) This Act shall be given liberal construction in favor of all persons entitled to any lien under it.

§ 25. Severability.) Should any part of this Act be adjudged invalid or unconstitutional, such adjudication shall affect only the part of this Act specifically covered thereby and shall not affect any other provisions or parts of this Act.

§ 26. Repeal of Conflicting Laws.) All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1955.

LIVESTOCK

CHAPTER 222

H. B. No. 637

(State and Federal Government Committee)

REGISTRATION OF STALLIONS; REPEAL

AN ACT

To repeal chapter 36-03 of the North Dakota Revised Code of 1943, relating to the registration of stallions.

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

§ 1. Repeal.) Chapter 36-03 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 26, 1955.

CHAPTER 223

S. B. No. 179

(Freed)

DEALERS IN LIVESTOCK, POULTRY OR WOOL—DEFINITIONS

AN ACT

To amend and reenact section 36-0401 of the 1953 Supplement to the North Dakota Revised Code of 1943 defining livestock, poultry and wool dealers, and declaring an emergency.

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

§ 1. Amendment.) Section 36-0401 of the 1953 Supplement to 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 livestock sales ring for resale or shipment within or without the state, and also resale in the local market.

2. "Commission" shall mean the public service commission.

§ 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 2, 1955.

CHAPTER 224

H. B. No. 788

(Snow, Gress, and Knudson of Morton)

LIVESTOCK DISTRICT TERMINATION

AN ACT

Providing for the termination of stock districts established under the herd law.

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

§ 1.) All stock districts heretofore created under the herd law permitting stock to run at large shall terminate on June 30, 1955, upon the date of termination expressed in the resolution creating a district, or upon revocation of the resolution creating a district as provided by section 36-1105 of the North Dakota Revised Code of 1943, whichever first occurs.

Approved March 2, 1955.

CHAPTER 225

H. B. No. 855
(Delayed Bills Committee)

BRUCELLOSIS VACCINATION OF CALVES

AN ACT

Relating to brucellosis vaccination of calves.

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

§ 1.) The livestock sanitary board may enforce the vaccination of all female calves with suitable brucellosis vaccine in any organized or unorganized township whenever the board is petitioned to conduct such vaccination program by a petition signed by not less than seventy-five percent of the resident freeholders or livestock owners within such township. All vaccinated calves shall be properly tagged and marked in the manner prescribed by the livestock sanitary board and the agricultural research service. Such vaccinations shall be performed by licensed veterinarians or by trained technicians authorized to perform such vaccinations by the livestock sanitary board. The owners of all female calves required to be vaccinated under the provisions of this Act shall list such calves by age, by number of calves, and by dairy or beef type, with the county agent of the county in which the township is located before such calves reach four months of age. The owner of a calf which will be permanently removed from the township prior to its reaching eighteen months of age shall not be required to have the calf vaccinated.

Approved March 10, 1955.

CHAPTER 226

H. B. No. 658

(Rose, Hofstrand, Fleenor and Schuler)

HOG CHOLERA VIRUS—PROHIBITION

AN ACT

To amend and reenact section 36-1409 of the North Dakota Revised Code of 1943, relating to hog cholera virus.

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

§ 1. Amendment.) Section 36-1409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-1409. Hog Cholera Virus: Purchase, Possession and Use Prohibited; Misdemeanor.) The purchase, possession or use of hog cholera virus by any person including all licensed veterinarians, is hereby prohibited and made unlawful. This is not to be construed as in any way affecting the use either by farmers or veterinarians of any of the modified live virus vaccines available for the vaccination of hogs against hog cholera.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed two hundred dollars or imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

Approved March 11, 1955.

CHAPTER 227

H. B. No. 707
(Hofstrand)

DISEASED ANIMALS—VALUATION

AN ACT

To amend and reenact sections 36-1505, 36-1508 and 36-1509 of the North Dakota Revised Code of 1943, relating to diseased animals.

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

§ 1. **Amendment.)** Section 36-1505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-1505. Maximum Valuations of Diseased Animals.) The appraised value of diseased animals shall not exceed the following amounts:

1. A grade animal shall not be valued at more than one hundred fifty dollars; and
2. A purebred animal shall not be valued at more than three hundred dollars.

Before any animal can be appraised as a purebred animal, it must be accompanied by a certificate of registration in a recognized herd book.

§ 2. **Amendment.)** Section 36-1508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-1508. Owner Entitled To Compensation For Animal Infected With Tuberculosis Or With Paratuberculosis; Livestock Sanitary Board May Make Regulations Governing Payments.) The owner of an animal adjudged by the board to be infected with tuberculosis or with paratuberculosis and appraised in accordance with the provisions of this chapter shall be entitled to the amount specified in this chapter. The board may make reasonable rules and regulations governing the payment of such compensation within the limitations prescribed in this chapter.

§ 3. **Amendment.)** Section 36-1509 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-1509. Return of Appraisalment; Payment of Claims For Diseased Animals.) The return of an appraisalment made under

the provisions of this chapter shall be in writing and signed by the board or by the agent thereof which made the appraisal, or by the members of the board of appraisers if a reappraisal is made after a protest, and by the owner of the condemned animal. The return shall be certified by the executive officer of the board to the state auditor, who shall draw a warrant upon the state treasurer in favor of the owner of the animal. The amount of indemnity paid by this state, however, shall not exceed:

1. In the case of an animal condemned because it is infected with tuberculosis or paratuberculosis, one-third of the difference between the appraised value of the animal and the net value of the salvage received by the owner unless the federal government fails to provide an amount of indemnity equal to that provided by the state, in which case the owner shall be paid one-half of the difference between the appraised value of the animal and the net value of the salvage thereof;
2. This state shall not be liable for indemnity under the provisions of this chapter in excess of the amount appropriated for the payment of such indemnity by the legislative assembly, and the state shall not be liable for indemnity for any animal killed during a biennium after the appropriation for such biennium has been exhausted.

Approved March 11, 1955.

CHAPTER 228

H. B. No. 558
(Rose)

GARBAGE FEED REGULATION

AN ACT

To prohibit the feeding of raw garbage to swine in North Dakota and to provide for the licensing and regulation of garbage feeders and to provide minimum standards for the operation of garbage feeding establishments and providing a penalty.

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

§ 1. Definitions.) For the purpose of this Act, the following words shall have the meanings as defined in this section:

1. "Garbage" means animal and vegetable waste matter resulting from the handling, preparation, cooking and

consumption of foods including animal carcasses or parts thereof, except that dairy products from a licensed creamery or dairy shall not be considered garbage under the definitions of this section.

2. "Person" means the state, any municipality, political subdivision, institution, public or private corporation, individual, partnership, or other entity.

§ 2. Permit For Feeding Garbage To Swine.)

1. No person shall feed garbage to swine without first securing a permit from the livestock sanitary board. Such permits shall be secured within 30 days after the effective date of this Act and shall be renewed on the first of July of each year.
2. This order shall not apply to any person who feeds only his own household garbage.

§ 3. Application For Permit.) Any person desiring to obtain a permit to feed garbage to swine shall make written application therefor to the North Dakota livestock sanitary board in accordance with the requirements of this Act.

§ 4. Revocation of Permits.) Upon determining that any person having had a permit hereunder, has violated or failed to comply with any of the provisions of this Act, or any of the other rules or regulations of the livestock sanitary board, shall have his license revoked or refuse to issue a permit to an applicant therefor.

§ 5. Cooking Or Other Treatment.) All garbage, regardless of previous processing shall, before being fed to swine, be thoroughly heated to at least 212 degrees Fahrenheit for at least 30 minutes.

§ 6. Inspection and Investigation; Maintenance of Records.)

1. Any authorized representative of the North Dakota livestock sanitary board shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the treating of garbage to be fed to swine as required by this Act.
2. In addition to the inspection of the proper sterilization of the garbage by agents of the livestock sanitary board, the garbage feeding plant must be kept in a reasonably sanitary condition and any animals which may die and all garbage which is not consumed must be cleaned up and the place kept in as sanitary condition as is possible under the circumstances so as not to become a public nuisance.

3. Any authorized representative of the North Dakota livestock sanitary board may examine any records pertaining to the feeding of garbage to swine and the livestock sanitary board can require maintenance of records relating to the operation of equipment for and procedure of treating garbage to be fed to swine. Such copies to be submitted to the North Dakota livestock sanitary board.

§ 7. Enforcement of the Act.) The livestock sanitary board is hereby charged with the administration and enforcement of the provisions of this Act. The state veterinarian, by and with the consent of the livestock sanitary board, shall have full power to cooperate with the United States department of agriculture, agricultural research service, in the control and eradication of vesicular exanthema. The state veterinarian, by and with the consent of the livestock board, shall have full power to promulgate and enforce such rules and regulations that may hereafter be necessary to carry out the provisions of this Act.

§ 8. Penalties.) Any person, firm or corporation who shall knowingly violate any provision set forth in this Act or any rule or regulation duly established by the livestock sanitary board, or any officer or inspector who shall willfully fail to comply with any provisions of this Act shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.

Approved March 10, 1955.

CHAPTER 229

H. B. No. 612
(Scott, Sortland, McLain)

LIVESTOCK SANITARY BOARD—INSPECTION

AN ACT

To amend and reenact section 36-2301 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to inspections by the livestock sanitary board.

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

§ 1. Amendment.) Section 36-2301 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-2301. 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, and in addition shall furnish veterinary supervision of poultry processing plants participating in the state inspection for wholesomeness program.

Approved February 26, 1955.

MILITARY

CHAPTER 230

H. B. No. 755
(Lindberg and Bye)

BIDDERS BOND FOR ARMORY CONSTRUCTION

AN ACT

Providing for permissive requirement by the adjutant general of a bidder's bond in lieu of certified check from a contractor.

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

§ 1. Bidder's Bond In Lieu of Certified Check.) The adjutant general, when acting as the contracting officer for the state of North Dakota, its agencies or subdivisions, in accordance with section 37-1003 of the 1953 Supplement to the North Dakota Revised Code of 1943, may require a suitable bidder's bond in the full amount of the bid, in lieu of a certified check.

Approved March 10, 1955.

CHAPTER 231

H. B. No. 756
(Lindberg and Bye)

MOTOR STORAGE BUILDINGS—TRANSFER

AN ACT

Authorizing the transfer of title of national guard motor storage buildings to cities for armory purposes.

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

§ 1.) Any motor storage buildings owned by the state of North Dakota and used by the national guard may be transferred and conveyed to the municipality of the incorporated city or village in which such buildings are located when so recommended by the board of armory supervisors in order to take advantage of the provisions of Public Law 783, 81st Congress, 2nd session, chapter 945, and approved September 11, 1950.

Approved March 10, 1955.

CHAPTER 232

H. B. No. 597
(Nygaard and Dick)

SOLDIERS' HOME—BIDS FOR SUPPLIES

AN ACT

To require the state board of administration to advertise for bids for coal and other supplies for the soldiers' home, upon the request of the board of trustees thereof, and declaring an emergency.

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

§ 1. Advertisement For Bids On Coal and Supplies.) Upon request of the board of trustees of the soldiers' home, the state board of administration shall advertise for bids for coal or other supplies for the use of the soldiers' home in the same manner as the board of administration advertises for bids for other state institutions under its control. Such bids shall be opened by the state board of administration and forwarded to the board of trustees of the soldiers' home, who shall accept the lowest and best bids received or may reject any or all bids for cause.

§ 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 7, 1955.

CHAPTER 233

S. B. No. 243
(Delayed Bills Committee)

VETERANS ADJUSTED COMPENSATION

AN ACT

Relating to claims for adjusted compensation of World War II veterans, creating a board of final review and declaring an emergency.

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

§ 1.) The governor shall appoint a board of review consisting of three members whose duty it shall be to reexamine all disallowed claims for adjusted compensation under the provisions of chapter 37-21 of the 1953 Supplement to the North Dakota Revised Code of 1943, when a request for such reexamination accompanied by all supporting evidence or information is filed with the adjutant general by the claimant prior to September 30, 1955. The decision of the board upon such claims shall be final, and no claim or request for reexamination shall be allowed unless such claim and supporting information is filed with the adjutant general prior to September 30, 1955. The adjutant general shall give notice of the termination of the right of reexamination, by ordinary mail addressed to the last known address of such claimant as shown on the records of the adjutant general's office, to all claimants whose claims have been disallowed. The board shall complete such reexamination of claims prior to January 1, 1956.

§ 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, 1955.

MINING AND GAS AND OIL PRODUCTION

CHAPTER 234

H. B. No. 862
(Delayed Bills Committee)

MINING CLAIMS—LOCATION; DISCOVERY SHAFT

AN ACT

To amend and reenact section 38-0205 of the North Dakota Revised Code of 1943 providing for alternative methods of locating mining claims in lieu of sinking discovery shafts, and declaring an emergency.

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

§ 1. **Amendment.)** Section 38-0205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

38-0205. Tunnel, Open-Cuts, Crosscuts, Adits, Or Drilling Equivalent To Discovery Shaft.) Any open-cut, crosscut, or tunnel at a depth sufficient to disclose the mineral vein or lode, an adit of at least ten feet in along the lode from the point where the lode may be discovered, or the drilling of a hole or holes in the manner, and under the conditions and requirements hereinafter set forth, shall be equivalent to a discovery shaft. The hole or holes shall be not less than one and one-half inches in diameter, shall be sufficiently deep to reach and cut or expose the mineral vein or lode, and shall be protected at the surface opening against injury to livestock. The discoverer shall designate one of the holes thus drilled as the discovery hole, in the event that more than one such hole shall have been drilled.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

CHAPTER 235

H. B. No. 625
(Erickson of Burke-Divide)

CONVEYANCE OF MINERAL RIGHTS—LIMITATION

AN ACT

Limiting the meaning of mineral rights or royalties when used in instruments of conveyance or lease.

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

§ 1. Uranium, Gravel, Clay and Coal Rights; Specific Transferral.) No lease or conveyance of mineral rights or royalties separate from the surface rights in real property in this state shall be construed to grant or convey to the grantee thereof any interest in and to any gravel, coal, clay or uranium unless the intent to convey such interest is specifically and separately set forth in the instrument of lease or conveyance.

Approved March 1, 1955.

CHAPTER 236

S. B. No. 53
(Duffy)

BROKERS—OIL, GAS, URANIUM

AN ACT

To amend and reenact sections 43-2201, 43-2202, 43-2205, 43-2206 and 43-2208 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to registration of oil, gas or mineral brokers, and certification of their employees and agents, and declaring an emergency.

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

§ 1. Amendment.) Section 43-2201 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-2201. Definition.) In this chapter, unless the context or subject matter otherwise requires:

1. Oil, gas or mineral broker shall mean any person, copartnership, association or corporation engaged in the business of buying for resale leases, mineral rights, royalties, or other interests in oil or gas properties or in properties containing or presumed to contain uranium or other fissionable materials from the surface holder or land owner, whether for himself or as agent of others.
2. Commissioner shall mean the state securities commissioner.

§ 2. **Amendment.)** Section 43-2202 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-2202. Broker Shall Register.) No person shall engage in business as an oil, gas or mineral broker without first having registered with the commissioner on a form provided by the commissioner which shall include only the following information:

1. The full name of said broker and his full business address in the state of North Dakota;
2. The position or capacity of the broker if he is a member of a partnership or the employee of a corporation and the business address of such copartnership or corporation; and
3. The place of legal residence of the registering broker.

The registration shall be kept permanently on file by the commissioner and shall be public records open for inspection. Such registration shall be automatically ineffective and invalid without notice June 30 after the date of initial registration, unless the registrant renews the registration for another yearly period and pays the prescribed renewal fee. The commissioner may revoke and cancel the registration of a broker prior to expiration of its term whenever the bond of the broker becomes ineffective or is canceled, by sending notice of revocation through registered mail to the business post office address shown in the registration.

§ 3. **Amendment.)** Section 43-2205 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-2205. Bond Covers Agent.) The bond or deposit furnished by an oil, gas or mineral broker shall cover the acts of his duly authorized employees or agents. Any such employee or agent need not furnish a separate bond but the burden of proof shall rest upon any person not himself bonded to establish that he was duly authorized by a bonded broker.

An oil, gas or mineral broker registered under this chapter shall certify to the commissioner the names, business addresses and residence addresses of any regular employees or agents employed in the business of buying for resale oil and gas leases, mineral rights, royalties, or other interests in oil and gas properties from the surface holder or land owner, at the time of registration or renewal thereof and shall certify the names, business and residence addresses of any such employees or agents within ninety days of their employment by such oil, gas or mineral broker.

§ 4. **Amendment.)** Section 43-2206 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-2206. Unlawful To Retain Lease Or Mineral Or Royalty Transfer If Not Paid For.) It shall be unlawful to retain any lease or transfer of any right or royalty in any oil or gas property or in any property containing, or presumed to contain uranium or other fissionable material after the presentation and nonpayment of any draft or check given in payment therefor which by its terms is due and payable and in the event of nonpayment such lease or transfer must be returned to the lessor or grantor and such return may be made by mailing the same to the address given in such instrument by the lessor or grantor and if such instrument has been recorded, its return must be accompanied by a proper release of such record.

§ 5. **Amendment.)** Section 43-2208 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-2208. Registration Fees.) The commissioner shall receive and the broker shall pay the following fees:

1. For initial registration as provided in this Act the sum of fifty dollars;
2. For withdrawal of cash or securities deposited in lieu of bond the sum of fifteen dollars; and
3. For annual renewal of registration, the sum of ten dollars.

§ 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 9, 1955.

MOTOR VEHICLES

CHAPTER 237

H. B. No. 540
(Legislative Research Committee)

TRAFFIC REGULATION

AN ACT

Regulating traffic on highways and defining certain crimes in the use and operation of vehicles, providing for traffic signs and signals and defining the power of local and state authorities to enact or enforce ordinances, rules, or regulations in regard to matters embraced within the provisions of this Act and to provide for the enforcement of this Act and to make uniform the law relating to the subject matter of this Act; creating subsections numbered 27 through 59 to section 39-0101, and repealing subsections 6, 15, 16 and 23 of section 39-0101 of the North Dakota Revised Code of 1943 and all sections of chapter 39-10 of the Code and the 1953 Supplement thereto.

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

§ 1. Amendment.) Section 39-0101 of the North Dakota Revised Code of 1943 is hereby amended by creating subsections 27 through 59 thereto, which are enacted to read as follows:

27. "Motor-driven cycle" shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower, and every bicycle with motor attached;
28. "Authorized emergency vehicle" shall mean vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the local authorities;
29. "School bus" shall mean every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school;
30. "Bicycle" shall mean every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter;

31. "Road tractor" shall mean every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;
32. "Bus" shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;
33. "Trackless trolley coach" shall mean every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails;
34. "Pole trailer" shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections;
35. "Railroad" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;
36. "Railroad train" shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;
37. "Explosives" shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or by destroying life or limb;
38. "Flammable liquid" shall mean any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device;
39. "Director" shall mean the director of the division of public safety of this state;

40. "Division" shall mean the division of public safety of this state;
41. "Pedestrian" shall mean any person afoot;
42. "Police officer" shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;
43. "Driver" shall mean every person who drives or is in actual physical control of a vehicle;
44. "Street" or "highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;
45. "Private road or driveway" shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;
46. "Roadway" shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;
47. "Sidewalk" shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;
48. "Laned roadway" shall mean a roadway which is divided into two or more clearly marked lanes for vehicular traffic;
49. "Through highway" shall mean every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Act;
50. "Controlled-access highway" shall mean every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway;
51. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines, or,

if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

52. "Crosswalk" shall mean that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;
53. "Official traffic-control devices" shall mean all signs, signals, markings, and devices not inconsistent with this Act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;
54. "Traffic-control signal" shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed;
55. "Railroad sign or signal" shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;
56. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel;
57. "Stop", when required, shall mean complete cessation from movement;
58. "Stop", "stopping", or "standing", when prohibited, shall mean any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal;

59. "Park", when prohibited, shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

§ 2. Provisions of Act Refer To Vehicles Upon the Highways; Exceptions.) The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of chapter 39-08 of the North Dakota Revised Code of 1943, as amended, relating to reckless driving, driving while intoxicated, aggravated reckless driving, and negligent homicide shall apply upon highways and elsewhere throughout the state.

§ 3. Obedience To Police Officers.) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

§ 4. Authorized Emergency Vehicles.) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

1. The driver of an authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this Act;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the speed limit so long as he does not endanger life or property;
 - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to an authorized emergency vehicle shall apply only when it is operated upon official business and the driver sounds an audible signal by bell, siren, or exhaust whistle.
3. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

§ 5. Obedience To and Required Traffic-Control Devices.)

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Act, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act. No provision of this Act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a state statute does not state that signs are required, such statute shall be effective even though no signs are erected or in place.

§ 6. Traffic-Control Signal Legend.) Whenever traffic is controlled by traffic-control signals exhibiting the words "Go", "Caution", or "Stop", or exhibiting different colored lights successively one at a time or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. Green alone or "Go":
 - a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time signal is exhibited; and
 - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
2. Yellow alone or "Caution" when shown following the green or "Go" signal:
 - a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited; and
 - b. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.
3. Red alone or "Stop":
 - a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "Go" is shown alone;

- b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
4. Red with green arrow:
 - a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection;
 - b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
5. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

§ 7. Pedestrian Control Signals.) Whenever special pedestrian control-signals exhibiting the words "Walk" or "Wait" or "Don't Walk" are in place such signals shall indicate as follows:

1. "Walk": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles; and
2. "Wait" or "Don't Walk": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

§ 8. Flashing Signals.) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red stop signal: When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;

2. Flashing yellow caution signal: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution; and
3. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 42 of this Act.

§ 9. Drive On Right Side of Roadway; Exceptions.)

1. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - b. When the right half of a roadway is closed to traffic while under construction or repair;
 - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
 - d. Upon a roadway designated and signposted for one-way traffic.
2. Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

§ 10. Passing Vehicles Proceeding In Opposite Directions.)

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

§ 11. Use of Multiple-Beam Road-Lighting Equipment.)

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 39-1101 of the North Dakota Revised Code of 1943, as amended, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam, specified in section 39-1103 of the North Dakota Revised Code of 1943 shall be deemed to avoid glare at all times, regardless of road contour and loading.
2. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 39-1103.

§ 12. Overtaking a Vehicle On the Left.) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When not within a business or residence district, the driver of an overtaking vehicle shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction; and
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

§ 13. When Overtaking On The Right Is Permitted.)

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - a. When the vehicle overtaken is making or about to make a left turn;
 - b. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; or
 - c. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement,

where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

§ 14. Limitations On Overtaking On The Left.) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred feet of any vehicle approaching from the opposite direction.

§ 15. Further Limitations On Driving To Left of Center of Roadway.)

1. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
 - a. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - b. When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;
 - c. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.
2. The foregoing limitations shall not apply upon a one-way roadway.

§ 16. No-Passing Zones.) The state highway commissioner is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

§ 17. One-Way Roadways and Rotary Traffic Islands.)

1. The state highway commissioner may designate any highway or any separate roadway under his jurisdic-

tion for one-way traffic and shall erect appropriate signs giving notice thereof;

2. Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated; and
3. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

§ 18. Driving On Roadways Laned For Traffic.) Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
2. Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; and
3. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

§ 19. Following Too Closely.)

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway;
2. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave at least four hundred feet space between vehicles, and in any event sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle; and

3. Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

§ 20. Driving On Divided Highways.) Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

§ 21. Restricted Access.) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

§ 22. Restrictions On Use of Controlled-Access Roadway.) The state highway commissioner may by order, and local authorities may by ordinance, with respect to any controlled-access roadway under their respective jurisdictions, prohibit the use of any such roadway by pedestrians, bicycles, or other non-motorized traffic or by any person operating a motor-driven cycle.

The state highway commissioner or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

§ 23. Vehicle Approaching Or Entering Intersection.)

1. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway;
2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right; and
3. The right of way rules declared in subsections 1 and 2 of this section are modified at through highways and otherwise as hereinafter stated in this Act.

4. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he otherwise might have under the provisions of this Act.

§ 24. Vehicle Turning Left At Intersection.) The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this Act, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn.

§ 25. Vehicle Entering Through Highway Or Stop Intersection.)

1. The driver of a vehicle shall stop as required by section 45 of this Act at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right of way to the vehicle so proceeding into or across the through highway; and
2. The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

§ 26. Vehicle Entering Highway From Private Road Or Driveway.) The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway.

§ 27. Operation of Vehicles On Approach of Authorized Emergency Vehicles.)

1. Upon the immediate approach of an authorized emergency vehicle giving an audible signal by bell, siren, or exhaust whistle the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the

right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer; and

2. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

§ 28. Pedestrians Subject To Traffic Regulations.) Pedestrians shall be subject to traffic-control signals at intersections as provided in section 6 of this Act unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Act.

§ 29. Pedestrians' Right of Way In Crosswalks.)

1. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger;
2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield;
3. Subsection 1 of this section shall not apply under the conditions stated in subsection 2 of section 30 of this Act; and
4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the highway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§ 30. Crossing At Other Than Crosswalks.)

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway;
2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway; and

3. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

§ 31. Drivers To Exercise Due Care.) Notwithstanding the foregoing provisions of this Act every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

§ 32. Protection of Blind Or Incapacitated Pedestrians.) 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.

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.

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.

Any person violating any of the provisions of this section shall be punished by a fine of not to exceed twenty-five dollars.

§ 33. Pedestrians To Use Right Half of Crosswalks.) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

§ 34. Pedestrians On Roadways.)

1. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway; and
2. Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable,

walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

§ 35. Pedestrians Soliciting Rides Or Business.)

1. No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle; and
2. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 36. Required Position and Method of Turning At Intersections.) The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection;
3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered; and
4. Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section

be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

§ 37. Turning On Curve Or Crest of Grade Prohibited.) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

§ 38. Starting Parked Vehicles.) No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

§ 39. Turning Movements and Required Signals.)

1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 36 of this Act, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement;
2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning; and
3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

§ 40. Signals By Hand and Arm Or Signal Device.)

1. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, except as otherwise provided in subsection 2 of this section; and
2. In addition to the requirements of section 39-11101 of the 1953 Supplement to the North Dakota Revised Code of 1943, any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by,

a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

§ 41. Method of Giving Hand-and-Arm Signals.) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn: hand and arm extended horizontally;
2. Right turn: hand and arm extended upward;
3. Stop or decrease speed: hand and arm extended downward.

§ 42. Obedience To Signal Indicating Approach of Train.)

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - b. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 - c. A railroad train approaching within approximately one thousand three hundred and twenty feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
2. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. No person shall drive any vehicle past any human flagman at a railroad crossing until the flagman signals that the way is clear to proceed.

§ 43. All Vehicles Must Stop At Certain Railroad Grade Crossings.) The state highway department and local authorities are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

§ 44. Certain Vehicles Must Stop At All Railroad Grade Crossings.)

1. The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks;
2. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed; and
3. This section shall not apply at street-railway grade crossings within a business or residence district.

§ 45. Vehicles Must Stop At Stop Signs.) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

§ 46. Emerging From Alley, Driveway, Or Building.) The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto

the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

§ 47. Overtaking and Passing School Bus.) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by the driver to proceed. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

This section shall be applicable only in the event that the school bus shall bear the words "SCHOOL BUS" printed in letters at least four inches high on both the front and rear of the body, or on a sign attached thereto.

§ 48. Stopping, Standing, Or Parking Outside of Business Or Residence Districts.) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway of not less than twelve feet opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

§ 49. Officers Authorized To Remove Illegally Stopped Vehicles.)

1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of section 48 of this Act such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

2. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

§ 50. Stopping, Standing, Or Parking Prohibited In Specified Places.) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within ten feet of a fire hydrant;
5. On a crosswalk;
6. Within ten feet of a crosswalk at an intersection;
7. Within fifteen feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb or within fifteen feet of points on the curb immediately opposite the ends of a safety zone, unless the state highway department or local authority indicates a different length by signs or markings;
9. Within fifteen feet of the nearest rail of a railroad crossing;
10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted;
11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
14. At any place where official signs prohibit stopping.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

§ 51. Additional Parking Regulations.)

1. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.
2. Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.
3. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway without first obtaining the written authorization of the state highway commissioner.
4. The state highway department with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

§ 52. Unattended Motor Vehicle.) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

§ 53. Limitations On Backing.) The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

§ 54. Riding On Motorcycles.) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat attached firmly behind or beside the operator.

§ 55. Obstruction To Driver's View Or Driving Mechanism.)

1. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the

driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

§ 56. Driving On Mountain Highways.) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

§ 57. Coasting Prohibited.)

1. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.
2. The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

§ 58. Following Fire Apparatus Prohibited.) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

§ 59. Crossing Fire Hose.) No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

§ 60. Garbage, Glass, Etc., On Highways Prohibited.)

1. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle, or throw or deposit rubbish of any kind upon the highway;
2. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed; and

3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

§ 61. Riding On Bicycles.) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, and no bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

§ 62. Clinging To Vehicles.) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

§ 63. Riding On Roadways and Bicycle Paths.)

1. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
2. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
3. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

§ 64. Carrying Articles.) No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

§ 65. Driving Through Safety Zone Prohibited.) No vehicle shall at any time be driven through, over, or within a safety zone.

§ 66. Construction.) This Act shall be construed as being a part of title 39, and sections 2 through 65 hereof shall be construed as replacing chapter 39-10 of the North Dakota Revised Code of 1943, as amended.

§ 67. Repeal.) Subsections 6, 15, 16, and 23 of section 39-0101, and sections 39-1001 through 39-1026, inclusive, of the North Dakota Revised Code of 1943, as amended, and sections 39-1027 and 39-1028 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 8, 1955.

CHAPTER 238

H. B. No. 584
(Hegge and Dunlop)

IDENTIFICATION OF STATE VEHICLES

AN ACT

To amend and reenact section 39-0102 of the 1953 Supplement to the North Dakota Revised Code of 1943, to remove the requirement for printing the license number on the side of state-owned motor vehicles, and declaring an emergency.

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

§ 1. **Amendment.**) Section 39-0102 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0102. State-Owned Motor Vehicles To Have Name Painted On Side of Vehicles; Penalty For Failure.) All motor vehicles owned by any state department, institution, or industry and operated by such department, institution, or industry shall have painted on each front door the following words: NORTH DAKOTA, in letters four inches in height, two and one-half inches directly below such words shall be printed in letters one and one-half inches in height the name of the department, institution or industry of the state owning or operating such motor vehicle, and three and one-half inches directly below such words shall be printed the license number of the car in numerals four inches in height. Provided further, that the use of suitable decal type numerals shall be permitted. The above requirements shall not apply to cars owned and operated by the state highway patrol or cars used principally in institutional, juvenile, parole and placement service; or to any truck owned by any state department, institution, or industry. Any state official, or any employee of any state department, institution, or industry, who uses a motor vehicle which shall not be marked as is required by this section is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

§ 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, 1955.

CHAPTER 239

H. B. No. 546

(Legislative Research Committee)

HIGHWAY PATROL; RADAR EVIDENCE; TRAFFIC TICKET

AN ACT

Relating to the state highway patrol and giving the superintendent authority to take summary disciplinary action against members of the patrol in certain cases for inefficiency, misconduct or insubordination, but with right of appeal in certain cases to a disciplinary board of review; removing the limitation on number of patrolmen; lowering the entry age limit; authorizing the superintendent to reorganize the patrol, designate ranks and establish promotional procedures; providing for the admissibility and relating to the use of evidence by electrical devices in speed violations; establishing a uniform traffic summons and complaint; and amending and reenacting section 39-0303 and subsection 1 of section 39-0304 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Additional Powers of Superintendent.) In addition to his powers as a member of the highway patrol, the superintendent of the patrol shall have the following powers as administrative head of the patrol:

1. He may organize the patrol into such divisions, bureaus, and districts as he deems necessary;
2. He may designate ranks for various positions lower than assistant superintendent, fix salaries with appropriate allowances for those ranks, and establish promotional procedures;
3. He may take reasonable disciplinary action against members of the patrol for inefficiency, misconduct, insubordination, or violation of an established rule or regulation, whenever he deems such actions necessary, provided that:
 - a. Where demotion in rank is summarily ordered against a member of the patrol as a disciplinary measure, to be limited to a one grade reduction in rank, such order shall be appealable to the highway patrol hearing board;
 - b. Where a reduction in pay of a member of the patrol is summarily ordered as a disciplinary measure, it shall be limited to one year's duration, and such order shall be appealable to the highway patrol hearing board;

- c. Suspension of pay for a member of the patrol for a period not exceeding seven days may be summarily ordered as a disciplinary measure, but an order for suspension of pay for a longer period shall be appealable to the highway patrol hearing board; and
- d. Such suspension of pay for a member of the patrol may be summarily ordered not more than twice in one year as separate disciplinary measures, except that further suspensions shall be appealable to the state highway patrol hearing board.

§ 2. Disciplinary Board of Review.) The state highway patrol hearing board organized by law for removal of patrolmen shall also be the board of review for disciplinary action taken by the superintendent. Any patrolman aggrieved by a disciplinary measure ordered against him by the superintendent may appeal such order to the board, except where summary authority is granted to the superintendent under this Act. The board may establish procedures for such appeals, and upon hearing, may investigate the entire patrol record of the appellee, including prior disciplinary orders, and thereupon make an appropriate ruling and order in the proceedings.

§ 3. Uniform Traffic Summons and Complaint.) The North Dakota supreme court shall establish by court rule for the use of a uniform complaint and summons form to be used in cases involving violations of statutes or ordinances relating to the operation or use of motor vehicles.

§ 4. Radar Evidence In Speed Violations.) The speed of any motor vehicle may be checked by the use of radiomicro waves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue. The driver of any such motor vehicle may be arrested without a warrant under this section, provided the arresting officer is in uniform or displays his badge of authority; provided that such officer has observed the record of the speed of such motor vehicle by the radiomicro waves or other electrical device, or has received a radio message from the officer who observed the speed of the motor vehicle recorded by the radiomicro waves or other electrical device. Nothing herein shall affect the powers of cities or towns to adopt and use such device to measure speed.

§ 5. Amendment.) Section 39-0303 of the 1953 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 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 and 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.

§ 6. Amendment.) Subsection 1 of section 39-0304 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0304. Qualifications of Patrolmen; Veterans Have Preference.) No person shall be appointed as a patrolman unless he has the following qualifications:

1. Is not less than twenty-three and not more than forty years of age on the date of his appointment;

Approved March 3, 1955.

CHAPTER 240

S. B. No. 204

(Meidinger, Welander, Hernet, Duffy)

PATROLMEN'S RETIREMENT—AVERAGE SALARY

AN ACT

To amend and reenact subsection 7 of section 39-03A01 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to highway patrolmen's retirement system.

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

§ 1. Amendment.) Subsection 7 of section 39-03A01 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. "Average monthly salary", the amount which will be produced by dividing the total compensation, but not including compensation in excess of three hundred dollars in any month, before deductions, received by the contributor during the last ten years of his service, by the total number of months of active service served by him, during such ten year period, or, if the contributor

has not served a month of active service, then the amount of the contributors beginning salary, not exceeding three hundred dollars.

§ 2. Retroactive Effect.) Retirement, disability and death payments shall henceforth be computed in accordance with this Act whether the retirement, disability, or death occurred prior to or subsequent to its passage.

Approved March 3, 1955.

CHAPTER 241

H. B. No. 775
(Solberg, Dunlop)

LICENSE PLATE SLOGAN "PEACE GARDEN STATE"

AN ACT

To amend and reenact section 39-0411 of the North Dakota Revised Code of 1943, relating to motor vehicle license plates.

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

§ 1. Amendment.) Section 39-0411 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0411. Number Plates Furnished By Department.) The department shall furnish to every owner one number plate for each motorcycle registered and one number plate for every other motor vehicle. The slogan "Peace Garden State" shall appear on each plate for a motor vehicle other than a motorcycle.

Approved March 11, 1955.

CHAPTER 242

H. B. No. 812
(Roen and Anderson of Richland)

REGISTRATION EXEMPTIONS—RECIPROCITY

AN ACT

To amend and reenact section 39-0421 of the 1953 Supplement to the North Dakota Revised Code of 1943, and to repeal sections 39-0447 and 39-0448 of the North Dakota Revised Code of 1943, relating to exemptions from registration and reciprocal use of highways, and declaring an emergency.

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

§ 1. **Amendment.**) Section 39-0421 of the 1953 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.) Every motor vehicle not specifically exempt by law, shall be registered in this state before being operated upon any highway in this state, except that:

1. All motor vehicles owned and operated by this state or by any of its subdivisions or by Indian mission schools 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;
2. Any motor vehicle, truck, tractor, truck-tractor, semi-trailer and trailer registered in any state of the United States, the District of Columbia or any foreign province, may be operated under reciprocity upon the highways of North Dakota only when a reciprocal agreement has been entered into between the state highway commissioner and the duly authorized officer of the state, district or province in which such vehicle is registered. The commissioner shall not enter into any reciprocal agreement with any state, district or province unless:
 - a. Such agreement assures that vehicles registered under the laws of the state of North Dakota shall have as great or greater privileges and exemptions while operating upon the highways of such state, district

or province as is granted to foreign vehicles by the provisions of such agreement or by any provision of North Dakota law;

- b. Such agreement requires that any vehicle operated under the provisions of such agreement carry and display all license number plates or like insignia required by the laws of the state, district or province in which such vehicle is registered; and
- c. Such agreement provides that any vehicle found to be operating upon the highways of this state in violation of any of the provisions of such agreement or law of this state, shall be required to be registered and licensed in the same manner as are resident motor vehicles and shall surrender any other benefits which may be granted him by the agreement.

The commissioner may require, when he finds that the mileage of travel by North Dakota vehicles in a foreign state, district or province is materially less than the mileage of travel by vehicles registered in such state, district or province upon the highways of this state, that such agreement provide that fleets of trucks domiciled in each be required to license proportionately to the mileage traveled in each.

§ 2. Repeal.) Sections 39-0447 and 39-0448 of the North Dakota Revised Code of 1943 are hereby repealed.

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

Approved March 10, 1955.

CHAPTER 243

S. B. No. 65
(Leier and Duffy)

TRUCK REGISTRATION; CONSTRUCTION CONTRACTS

AN ACT

To require all persons having construction contracts with the state of North Dakota or any of its political subdivisions, to file a statement with the motor vehicle registrar if he is using trucks not registered in this state, and providing a penalty.

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

§ 1.) Every person, firm or corporation holding a construction contract with the state of North Dakota or any of its political subdivisions, who hires, uses, or procures the use of trucks which are not registered in this state, shall file a statement with the motor vehicle registrar, identifying each such truck by description and motor number and disclosing the date such truck was first used in this state and the purpose and extent of such use. Any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor and subject to a fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

Approved February 26, 1955.

CHAPTER 244

H. B. No. 535
(Legislative Research Committee)

MOTOR VEHICLE REGISTRATION FEES, TON FEES, AND
BUS SEAT TAX FEES

AN ACT

To amend and reenact section 39-0422, 39-0424 and subsections 2 and 3 of section 39-04A04 of the 1953 Supplement to the North Dakota Revised Code of 1943; and sections 39-0451 and 39-0467 of the North Dakota Revised Code of 1943 relating to motor vehicle registration fees, ton fees, and bus seat tax fees.

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

§ 1. Amendment.) Section 39-0422 of the 1953 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, and 3rd yrs.	4th, 5th and 6th yrs.	7th, 8th and 9th yrs.	10th and Sub- sequent yrs.
2399 or less	\$ 16.50	\$ 13.25	\$ 10.00	\$ 6.75
2400-2799	22.00	17.75	13.25	9.00
2800-3199	27.50	22.00	16.50	11.00
3200-3599	33.00	26.50	20.00	13.25
3600-3999	38.50	33.00	23.25	15.50
4000-4499	49.50	39.75	30.00	20.00
4500-4999	66.00	53.00	39.75	26.50
5000-5999	93.50	75.00	56.25	37.50
6000-6999	121.00	97.00	72.75	48.50
7000-7999	148.50	119.00	89.25	59.50
8000-8999	176.00	141.00	105.75	70.50
9000 and over	203.50	163.00	122.25	81.50

§ 2. Amendment.) Section 39-0424 of the 1953 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:

Years Registered

Gross Weights	1st, 2nd Years	3rd, 4th Years	5th, 6th Years	7th and Subsequent yrs.
4,000	\$15.75	\$12.75	\$ 9.50	\$ 4.25
6,000	21.00	17.00	12.75	6.50
8,000	26.25	21.00	15.75	8.50
10,000	31.50	25.25	19.00	10.50
12,000	36.75	29.50	22.75	12.75
14,000	42.00	33.75	25.25	14.75
16,000	47.25	38.00	28.50	17.00
18,000	52.50	42.00	31.50	19.00
20,000	57.75	46.25	34.75	21.00
22,000	63.00	50.50	38.00	23.25
24,000	68.25	54.75	41.00	25.25

Years Registered

Weight	1st, 2nd, and 3rd yrs.	4th, 5th and 6th yrs.	7th and Subsequent years
26,000—			
30,000	\$ 105.00	\$ 95.00	\$ 79.00
32,000—			
36,000	210.00	184.00	158.00
38,000—			
44,000	420.00	368.00	315.00
46,000—			
54,000	735.00	683.00	630.00
57,000	867.00	814.00	762.00
60,000	998.00	945.00	893.00
63,000	1,130.00	1,076.00	1,024.00

School buses used in the transportation of school children, other than those buses eligible for an official registration, shall be registered under this truck schedule at double the unloaded weight and shall not be required to pay any other annual fees.

§ 3. Amendment.) Subsections 2 and 3 of section 39-04A04 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

2. Motor vehicles licensed for a gross weight of twelve thousand pounds or more, and including twenty-four thousand pounds, four dollars for each two thousand pounds of registered gross weight;

3. Motor vehicles licensed for a gross weight in excess of twenty-four thousand pounds, six dollars and seventy-five cents for each two thousand pounds of registered gross weight;

§ 4. Amendment.) Section 39-0451 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0451. Bus Seat Tax To Be Paid For Vehicles Transporting Passenger For Hire.) In addition to the fees required by section 39-0422 and section 49-1832, any vehicle used as a motor bus in the transportation of persons for hire over the highways of this state, which has a seating capacity of more than seven passengers shall pay an annual additional license fee of eight dollars and fifty cents for each passenger capacity in excess of seven. The registrar shall designate a distinctive number and plate for such vehicle. Motor passenger buses operating exclusively within the corporate limits of any village or city shall not be required to pay this fee.

§ 5. Amendment.) Section 39-0467 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0467. Distribution of Registration Fees Collected.) Any moneys in the registration fund accruing from license fees or from other like sources, in excess of the amount required to pay salaries and other necessary expenses, in accordance with the legislative assembly's appropriation for such purposes, shall be transferred quarterly and credited by the state treasurer, as follows:

1. First, nine percent of all fees collected pursuant to section 39-0422 of the North Dakota Revised Code of 1943, as amended, and four and one-half percent of all fees collected pursuant to section 39-0424 of the North Dakota Revised Code of 1943, as amended, shall be transferred to the state highway department for construction and reconstruction of roads on the secondary state highway system, and the balance of such fees shall be transferred in accordance with subsections 2 and 3 of this section;
2. Fifty percent to the state highway department; and
3. Fifty percent to the counties of this state.

Approved March 10, 1955.

CHAPTER 245

H. B. No. 742
(Goebel and Ettestad)

CREDITS ON DESTROYED VEHICLES

AN ACT

Providing for credit of fees or taxes upon destruction of licensed or taxed motor vehicles.

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

§ 1.) Any owner of a motor vehicle licensed or taxed in this state, if such vehicle is permanently destroyed, may deduct from any license fee or tax thereafter due from such owner during the same year upon another motor vehicle an amount equal to the unused portion of the fee or tax paid upon the vehicle so destroyed, computed pro rata by the month, one-twelfth of the annual fee or tax paid for each month of the year remaining after the month in which such vehicle was so destroyed.

Approved March 11, 1955.

CHAPTER 246

S. B. No. 205
(Schmit, Page, Kieley,
Livingston and Sayer)

BUILDING MOVER'S; TAX EXEMPTION

AN ACT

To exempt truck-tractors used only for moving buildings from the payment of registration, gross ton, or truck mile taxes or fees and to provide for an annual house mover's motor vehicle license and to provide a penalty and declaring an emergency.

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

§ 1.) Upon satisfactory proof that:

1. The owner or operator of such vehicle is the holder of a valid building mover's permit issued by the public service commission; and
2. A truck-tractor and trailer is to be used only for moving buildings, building moving equipment and other bulky objects; and

3. Upon payment of a fee of fifty dollars for each single axle truck-tractor unit and a fee of seventy-five dollars for each tandem axle truck-tractor unit, the motor vehicle registrar may issue an annual house mover's motor vehicle license to any such truck-tractor unit, which license shall be in lieu of all other registration, gross ton, or truck mile taxes or fees for such registration year.

§ 2.) Any vehicle which has been issued a house mover's motor vehicle license may be registered under the regular motor vehicle registration law, by payment of the difference between the amount paid for the house mover's motor vehicle license and the regular registration fee for such vehicle and surrendering of such house mover's motor vehicle license.

§ 3.) Any vehicle which has been issued a house mover's motor vehicle license and is found being operated upon the highways of this state without being equipped with special house moving equipment, shall forfeit the fee paid and in addition, shall be required to register under the regular motor vehicle registration law of this state. None of the above limitations shall be construed as restricting the operation of the special licensed vehicle when such operation would not require a greater fee than that paid for this operation.

§ 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, 1955.

CHAPTER 247

H. B. No. 682
(Transportation Committee)

DRIVEAWAY TRANSPORTERS—REGISTRATION

AN ACT

Relating to the registration of driveaway transporters of vehicles, providing for in-transit plates and fees, providing penalties, and declaring an emergency.

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

§ 1.) Every person, firm, partnership, or corporation regularly and lawfully engaged in the transportation of vehicles over the highways of this state from a manufacturing or

assembly point or from the owner to agents of manufacturers or dealers or other persons by the driveaway or towaway methods, where such vehicles being driven, towed, or transported by the saddlemount, towbar, or fullmount methods or any lawful combination thereof will be transported over the highways of this state, shall annually apply to the motor vehicle department of this state for a registration certificate and license to so use the highways of this state. The applicant shall also apply to the department for a sufficient number of distinctive in-transit plates or devices showing the certificate number for identification of the vehicles being transported by the certificate-holder, and such in-transit plates or devices shall be used on any vehicle being driven, towed, or transported by and under the control of the certificate-holder.

§ 2.) The certificate and in-transit plates or devices shall expire on the thirty-first day of December of each year.

§ 3.) Each vehicle or combination of vehicles transported by the license-holder shall display in a prominent position thereon the distinctive in-transit plates or devices, the driven or towing vehicle displaying such on the front thereof and a towed or drawn vehicle on the rear.

§ 4.) This Act shall not apply to vehicles regularly used in the hauling of vehicles by the truckaway method nor to vehicles so transported, vehicles operated under dealers or manufacturers plates, vehicles registerable under any other provisions of law, nor to any person not issued a license hereunder.

§ 5.) The fee for a transporter's certificate and license shall be fifty dollars, and the fee for each in-transit plate or device shall be fifteen dollars.

§ 6.) The department is empowered to require submission of any information or data as may be pertinent, in its discretion, to administer this Act, and it shall not issue any certificate or in-transit plates or devices unless it has received payment in full thereof.

§ 7.) If any certificate-holder or transporter refuses to make and file with the department the application provided for in this Act, or has caused or permitted or is permitting the unlawful use of his certificate or plates or devices, such person shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than twenty-five dollars and not more than one hundred dollars, and upon the third such offense he may, in addition to the fines, forfeit his current certificate and in-transit plates or devices and shall forthwith return the same to the department, and the use thereafter

shall be unlawful and deemed a misdemeanor and upon conviction thereof such person shall be fined a sum of not less than one hundred dollars nor more than five hundred dollars.

§ 8.) The fees provided for in this Act are in lieu of all other fees, and are declared to be consideration for the right to use the highways of the state of North Dakota.

§ 9.) Persons not complying with this Act shall comply with any other applicable motor vehicle law of this state.

§ 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 11, 1955.

CHAPTER 248

H. B. No. 598
(Brown)

NONRESIDENT VEHICLE REGISTRATION

AN ACT

To amend and reenact section 39-0446 of the North Dakota Revised Code of 1943, relating to registration of motor vehicles in this state by non-residents, and declaring an emergency.

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

§ 1. **Amendment.)** Section 39-0446 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0446. Nonresidents Not Required To Register In This State Unless Present More Than Thirty Days.) Except as otherwise provided in this chapter, a nonresident owner of any foreign vehicle which has been duly registered for the current calendar year in the state, country, or other place of which the owner is a resident and which, at all times when operated in this state, has displayed upon it the number plate or plates issued for such vehicle and legally required in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering the said vehicle or paying fees therefor to this state, for a total period of not longer than thirty days in any one registration year, if under the law of the state of the residence of such

owner, as great or greater privileges are granted to vehicles duly registered under the laws and owned by residents of this state. Upon becoming gainfully employed in this state, any owner of such vehicle shall immediately license the vehicle irrespective of the aforementioned thirty day period. However, should such a nonresident permanently leave this state prior to the end of the first calendar year for which he has licensed a vehicle, such nonresident may apply for a pro rata refund upon such motor vehicle license for the remaining portion of the calendar year as determined by the number of full months remaining in that year. The motor vehicle registrar shall retain the sum of three dollars from any refunds due to cover costs of administration involved and for payment of the number plates issued. Prior to allowing such refund, the number plates must be surrendered to the motor vehicle registrar. Notwithstanding the provisions of this section, nonresident owners of motor trucks hauling agricultural equipment for the purpose of harvesting grain or other agricultural products, and entering the state for the harvest season and whose resident state has no reciprocal agreement with North Dakota to the contrary, shall immediately obtain a ninety-day permit therefor to be issued at the discretion of the motor vehicle registrar. The fee for this permit shall be twenty-five dollars, and payment of such fee shall be in lieu of other vehicle registration fees provided by law. This permit shall allow the holder to move the agricultural products harvested by said permit holder in intrastate commerce. The owner's copy of this permit shall be displayed at all times upon the lower right side of the truck windshield.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

CHAPTER 249

S. B. No. 50
(Duffy and Leier)

VEHICLE FEE TRANSPORTING PROPERTY—EXCEPTION

AN ACT

To amend and reenact subsection 1 of section 39-04A06 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to exceptions to the additional fee for motor vehicles engaged in the transportation of property.

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

§ 1. Amendment.) Subsection 1 of section 39-04A06 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. To the transportation of property between farms and the usual local trading places, between farms locally, or to the transportation of farm equipment owned by a bona fide resident farmer of this state when such farm equipment is transported in vehicles owned by such resident farmer;

Approved March 3, 1955.

CHAPTER 250

H. B. No. 610
(Saumur and Wolf)

LICENSING AND BONDING OF MOBILE HOME DEALERS

AN ACT

To provide for the licensing and bonding of mobile home dealers; to provide for the licensing of mobile homes; to provide for safety devices and regulations in the operation of mobile homes; to provide for the size of mobile homes; to provide for the suspension and revocation of dealer's licenses and for penalties; and repealing all Acts in conflict herewith.

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

§ 1. Mobile Dealers' Licenses; Fees; Dealers' Plates.) No person, firm or corporation shall sell or distribute mobile

homes within the state of North Dakota unless he shall first have been licensed so to do by the motor vehicle department as herein provided.

Application for dealer's license and renewal license shall be made to the motor vehicle department, on such forms as the department shall prescribe and furnish, and such application shall be accompanied by an annual fee of twenty-five dollars. Such dealer's license shall expire on December 31st of each year, and application for renewal of such dealer's license shall be made on or before the expiration of the current dealer's license.

A mobile home dealer's license shall be issued only to persons whose character, fitness and financial ability, in the opinion of the motor vehicle registrar, are such as to justify the belief that such applicant can and will deal and serve the buying public fairly and honestly, will maintain a permanent office and place of business, and an adequate service department, during the licensing year, and will abide by all the provisions of law pertaining to mobile home dealers, and will obey the lawful orders of the motor vehicle registrar.

Upon the payment of a fee of five dollars, the motor vehicle department shall register and issue dealer's license plates for mobile homes owned by the licensed dealer, and such mobile homes bearing such dealer's license plates may be lawfully operated upon the public highways of the state of North Dakota by such dealer, his agents and servants, during the year of such registration. Such dealer's license plates shall expire on December 31st of each year.

§ 2. Bond Required.) Before the issuance of a mobile home dealer's license, as provided by law, the applicant for such license shall furnish a surety bond executed by the applicant as principal and executed by a surety company licensed and qualified to do business within the state of North Dakota, which bond shall run to the state of North Dakota, be in the amount of five thousand dollars, and be conditioned upon the faithful compliance by the said applicant as a dealer, if such license be issued to it or him, that such dealer will comply with all of the laws of the state of North Dakota pertaining to such business, and regulating or being applicable to the business of said dealer as a dealer in mobile homes, and indemnifying any person dealing or transacting business with such dealer in connection with any mobile home from any loss or damage occasioned by the failure of such dealer to comply with the provisions of the laws of the state of North Dakota, including, but not limited to, the furnishing of a proper and valid certificate of title to the mobile home involved in any

such transaction, and that such bond shall be filed with the registrar of motor vehicles prior to the issuance of the license herein provided for. Provided, however, that the aggregate liability of the surety to all such persons for all such losses or damages shall, in no event, exceed the amount of such bond.

§ 3. Licensing of Mobile Homes.) No person shall haul a mobile home upon the highways of the state of North Dakota unless such mobile home shall first be registered with and titled by the motor vehicle department, and a certificate of title has been issued for such mobile home, and it displays a number plate issued by and under such regulations as the registrar of motor vehicles may prescribe. The fee for such licensing shall be fifty cents for each foot in length of the same mobile home. If such mobile home enters the state carrying the current number plate of another state, no number plate shall be required by the state of North Dakota for a period of thirty days.

If such mobile home remains stationary or parked within the state of North Dakota for a period of one year, no mobile home license shall be required for that year; provided that nothing in this Act shall permit the use of a dealer's tag on such mobile home after the said mobile home has been sold by the dealer to whom such tag was issued.

Provided further that if application for such mobile home license shall be made, and such mobile home be moved upon the highways of the state of North Dakota, after July 1st of any year, such license fee shall be the sum of twenty-five cents for each foot in length of such mobile home.

§ 4. Safety Devices and Requirements.) On and after January 1, 1956, any new mobile home sold in the state of North Dakota and licensed under the provisions of this Act shall be equipped with combination tail light and stop light controlled and operated from the driver's seat of the propelling vehicle; such mobile home shall further be equipped with brakes approved by the motor vehicle department of the state of North Dakota, designed and capable of bringing to a stop such vehicle and mobile home within a distance of fifty feet when operated at a speed of twenty miles per hour. No person shall drive any mobile home on the highways of this state unless the propelling vehicle shall be able to stop within the distance and in the manner prescribed herein.

On and after January 1, 1956 any new mobile home sold in the state of North Dakota and licensed under the provisions of this Act shall be equipped with a hitch or coupler which will comply with the regulations as established by the interstate commerce commission.

Provided further that no person or persons shall ride in such mobile home while it is being moved upon the highways of this state.

§ 5. Width, Length and Height of Mobile Homes, Operated In the State of North Dakota.) It shall be unlawful for any person to operate or tow a mobile home upon the highways of the state of North Dakota, the length of which mobile home shall be over fifty feet, or which shall have a body width of over eight feet, and a height of over twelve and one-half feet. Provided, however, that the limitations as to width, length and height of mobile homes herein provided for, shall not apply to mobile homes which are now in use in North Dakota which exceed these limitations and which have heretofore been licensed by the state of North Dakota.

§ 6. Suspension Or Revocation of Dealers' Licenses.) The motor vehicle department of the state of North Dakota may suspend or revoke any dealer's license for failure of the licensee to comply with any of the laws of the state of North Dakota governing mobile home dealers, or for failure to comply with the reasonable rules and regulations of the motor vehicle department set up under the Administrative Practices Act of the state of North Dakota, but no order suspending or revoking a dealer's license shall be made before a hearing at which the licensee shall be given an opportunity to be heard.

§ 7. Penalties.) Any person who shall violate the provisions of this Act shall be fined not less than twenty-five dollars, or more than one hundred dollars, for each offense.

§ 8. Repeal.) All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1955.

CHAPTER 251

H. B. No. 541
(Legislative Research Committee)

DRIVER LICENSES

AN ACT

To provide for issuance, expiration, renewal, cancellation, suspension and revocation of vehicle operators' licenses, providing penalties for violations thereof, and repealing all sections of chapter 39-06 of the North Dakota Revised Code of 1943 except section 39-0615, and all sections of chapter 39-06 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Operators Must Be Licensed.) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator or chauffeur under the provisions of this Act.

Any person licensed as an operator hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

§ 2. What Persons Are Exempt From License.) The following persons are exempt from license hereunder:

1. Any employee of the United States government while operating a motor vehicle owned by or leased to that government and being operated on official business;
2. A nonresident who is at least sixteen years of age, who has in his immediate possession a valid operator's license issued to him in his home state or country, may operate a motor vehicle in this state for a period of not more than ninety days in any calendar year without making an application for or obtaining an operator's license of this state. After such ninety-day period it shall be unlawful for any such nonresident to operate a motor vehicle within North Dakota without a North Dakota license; and
3. A nonresident who is at least sixteen years of age, whose home state or country does not require the licens-

ing of operators, may operate a motor vehicle within this state for a period of not more than thirty days in any calendar year without making an application for or obtaining an operator's license of this state, provided however, that he shall have in his possession while driving in this state an official certificate showing the lawful registry of the motor vehicle and be able to prove his lawful possession or the right to operate such vehicle and to establish his identity.

§ 3. What Persons Shall Not Be Licensed.) The commissioner shall not issue any license hereunder:

1. To any person who is under the age of sixteen years, except that the commissioner may issue a restricted permit or license as hereinafter provided in sections 5 and 16 of this Act to any person who is less than sixteen years of age;
2. To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in sections 34 and 35 of this Act;
3. To any person who is an habitual drunkard, or is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle;
4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;
5. To any person who is required by this Act to take an examination, unless such person shall have successfully passed such examination;
6. To any person who is required under the laws of this state to deposit security or file proof of financial responsibility and who has not deposited such security or filed such proof;
7. To any person when the commissioner has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways;
8. To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

9. To any person who has been convicted three times of a misdemeanor under the provisions of this Act or the laws of this state relating to highways, within any two-year period.

§ 4. Instruction Permit.) Any person may apply to the commissioner for an instruction permit. The commissioner may in his discretion issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of ninety days when accompanied by a licensed operator who has had at least one year of driving experience and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period.

§ 5. Restricted Instruction Permit.) The commissioner upon receiving proper application may in his discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a driver-education program which includes practice driving and which is approved by the commissioner even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such a permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.

§ 6. Temporary Driver's Permit.) The commissioner may in his discretion issue a temporary driver's permit to an applicant for an operator's license permitting him to operate a motor vehicle while the commissioner is completing his investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

§ 7. Application For License Or Instruction Permit.)

1. Every application for an instruction permit or for an operator's license shall be made upon a form furnished by the commissioner. Every application shall be notarized or verified before a person authorized by law to administer oaths and accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

2. Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether an application has ever been refused, suspended, canceled, or revoked and, if so, the date of and reason for such suspension, cancellation, revocation, or refusal. The application shall contain such other information as the commissioner may require.
3. Whenever an application is received from a person previously licensed in another jurisdiction, the commissioner may request a copy of operator's record from such other jurisdiction. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.
4. Whenever the commissioner receives a request for an operator's record from another licensing jurisdiction the record shall be forwarded without charge.

§ 8. Application of Minors.) The application of any person under the age of eighteen years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by the father, mother, or guardian, or, in the event there is no parent or guardian, then by another responsible adult who is willing to assume the obligation imposed under this Act upon a person signing the application of a minor.

§ 9. Liability For Negligence of Minor; General.) Any negligence of a minor under the age of eighteen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence, except as otherwise provided in section 10 of this Act.

§ 10. Liability For Negligence of Minor: Proof of Financial Responsibility.) In the event a minor under the age of eighteen deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the commissioner may accept the application of such minor.

§ 11. Cancellation of Minor's License Or Permit Upon Request.) Any person who has signed the application of a minor for a license may thereafter file with the commissioner a verified written request that the license of the minor so granted be canceled. Thereupon the commissioner shall cancel the license or permit of the minor and the person who signed the application of the minor shall be relieved from the liability imposed under this Act by reason of having signed such application on account of any subsequent negligence of the minor in operating a motor vehicle.

§ 12. Cancellation of Minor's License Or Permit Upon Death of Applicant.) The commissioner upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel the license or permit and shall not issue a new license or permit until such time as a new application, duly signed and verified, is made as required by this Act. This provision shall not apply in the event the minor has attained the age of eighteen years.

§ 13. Examination of Applicants.) The highway patrol shall examine every applicant for an operator's license, except as otherwise provided in this Act. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The highway patrol shall make provision for giving an examination either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant within not more than thirty days from the date the application is received. The commissioner may require such other physical or mental examination as may be deemed advisable.

§ 14. Licenses Issued To Operators; General.) The commissioner shall, upon payment of a two dollar and fifty cent fee by applicants eighteen years of age and over and a one dollar and fifty cent fee by applicants under the age of eighteen, issue to every applicant qualifying therefor an operator's license as applied for in the form of a triple license card, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. For purposes of verification, an officer may require the licensee to write his signature in the presence of such officer.

§ 15. License To Be Carried and Exhibited On Demand.)

Every licensee shall have his operator's license or permit in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any court, police magistrate, a justice of the peace, a patrolman, peace officer, or a field deputy or inspector of the highway department. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer an operator's license or permit theretofore issued to him and valid at the time of his arrest.

§ 16. Restricted Licenses.)

1. The commissioner upon issuing an operator's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The commissioner may either issue a special restricted license or may set forth such restrictions upon the usual license form. The commissioner shall likewise restrict licenses pursuant to the requirements of section 39-1618 of the 1953 Supplement to the Code.
3. A restricted operator's license may be issued to any child, otherwise qualified, upon the written recommendation of his parent or guardian. No such license shall be issued unless the child, accompanied by his parent or guardian, shall appear in person and satisfy the examining officer that:
 - a. The child is at least fourteen years of age;
 - b. The child is qualified to operate an automobile safely; and
 - c. It is necessary for the child to drive his parent's or guardian's automobile without being accompanied by some person over sixteen years of age.

The parent or guardian, at all times, shall be responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this section shall not authorize the child to drive a motorcycle, commercial truck, motor bus, or taxicab.

4. The commissioner may also issue a junior license to a minor under the age of fourteen upon application by parent, guardian or lawful custodian of the minor when necessity for the license is shown and ability to drive is demonstrated. This license shall be restricted to the operation of a motor vehicle registered to the licensee's parent, guardian, or employer, either to or from school, to or from work, or on business of the parent, guardian, or employer, unless the licensee is accompanied by and under the immediate supervision of an adult. Such restrictions shall be made in writing and attached to and become a part of such junior license. The possession of a junior license shall not authorize the licensee to operate a motor vehicle in violation of any law, nor in violation of any rule or regulation of the state or federal authorities relating to the employment of minors.
5. The commissioner may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this Act.
6. It is a misdemeanor, punishable by a fine of not more than one hundred dollars and by imprisonment for not more than thirty days or by both such fine and imprisonment, for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

§ 17. Duplicate Certificates.) In the event that a permit or license issued under the provisions of this Act is lost, mutilated or destroyed, the person to whom the same was issued may obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the commissioner that such permit or license has been lost, mutilated, or destroyed and upon payment of a one dollar fee.

§ 18. Expiration of License; Renewal.) Every operator's license shall be issued for a term of two years, which shall commence on July first of each odd numbered year, and expire June thirtieth in the next succeeding odd numbered calendar year. Every such license shall be renewable on or before its expiration upon application and payment of the required two dollars and fifty cents fee except that a licensee under the age of eighteen shall pay a one dollar and fifty cent fee. The commissioner may require an examination of the applicant as upon an original application, where the commissioner has good cause to believe that the applicant may not be competent or otherwise not qualified for automatic renewal of his license.

§ 19. Notice of Change of Address Or Name.) Whenever any person after applying for or receiving an operator's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the commissioner in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

§ 20. Filing Application Records.) The commissioner shall file every application for a license received by him and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the commissioner and after each such name note the reasons for such action.

§ 21. Driving Records of Licensees.) The commissioner shall also file all accident reports and abstracts of court records of convictions received by him under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the commissioner upon any application for renewal of license and at other suitable times.

§ 22. Definition of Suspension, Revocation, and Cancellation.) The following words when used in this Act shall, for the purposes of this Act, have the meanings respectively ascribed to them in this section:

1. Suspension means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension.
2. Revocation means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the commissioner after the expiration of the period of revocation, which period shall not be less than thirty days.
3. Cancellation means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license,

but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

§ 23. Authority To Cancel Licenses.) The commissioner is hereby authorized to cancel any operator's license or permit upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application. Upon such cancellation, the licensee must surrender the license or permit so canceled to the commissioner.

§ 24. Suspending Privileges of Nonresidents.) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the commissioner in like manner and for like cause as an operator's license issued hereunder may be suspended or revoked.

§ 25. Reporting Convictions of Nonresidents.) The commissioner is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the licensing authority in the state wherein the person so convicted is a resident.

§ 26. Suspending Licenses Upon Conviction In Another State.) The commissioner is authorized to suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator.

§ 27. Courts To Forward License To Commissioner Upon Certain Convictions.) Whenever any person is convicted of any offense for which this Act makes mandatory the revocation of the operator's license of such person by the commissioner, the court in which such conviction is had shall require the surrender to it of any operator's license then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the commissioner. Any court or juvenile commissioner in the state, upon finding any licensee guilty of hazardous traffic violation, may detach one of the three license cards, and shall in each case forward such card immediately to the commissioner with a statement of the facts regarding the offense.

§ 28. Courts To Report Records of Certain Convictions.) Every court or juvenile commissioner having jurisdiction over offenses committed under this Act or any other law of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the commissioner a record of the conviction of any person in said court, or a report of the action of the juvenile court in the case of a juvenile, for a violation of any of said laws other than regulations governing standing or parking, and may recommend the suspension of the operator's license or permit of the person so convicted or reported.

§ 29. Conviction: Meaning and Effect.) For the purposes of this Act the term "conviction" shall mean a final conviction. Also, for the purposes of this Act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

§ 30. Mandatory Revocation of Licenses.) The commissioner shall forthwith revoke the license of any operator upon receiving a record of such operator's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter or negligent homicide resulting from operation of a motor vehicle;
2. Any felony in the commission of which a motor vehicle is used;
3. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
4. Perjury or the making of a false affidavit or statement under oath to the commissioner under this Act or under any other law relating to the ownership or operation of motor vehicles; or
5. Conviction, or forfeiture of bail not vacated, upon two charges of driving a motor vehicle while under the influence of intoxicating liquor or a drug, or reckless driving, or aggravated reckless driving, committed within a period of eighteen months.

§ 31. Authority To Suspend Licenses.) The commissioner is hereby authorized to suspend the license of an operator without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Has been convicted of serious offenses against traffic regulations governing the movement of vehicles with

such frequency as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

3. Is an habitually reckless or negligent driver of a motor vehicle;
4. Is incompetent to drive a motor vehicle;
5. Has permitted an unlawful or fraudulent use of his license;
6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or
7. Has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle.

§ 32. Hearing Subsequent To License Suspension.) Upon suspending the license of any person as authorized in section 31, the commissioner shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical at such place as the commissioner shall determine. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the commissioner shall either rescind his order of suspension or, good cause appearing therefor, may continue, modify, or extend the suspension of such license or revoke such license.

§ 33. Commissioner May Require Reexamination.) In addition to other powers set forth in this Act, the commissioner having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five days to the licensee require him to submit to such physical, mental, or driver's examination as may be deemed necessary. Upon the conclusion of such examination the commissioner shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain his license, or may issue a license subject to restrictions as permitted under section 16 of this Act. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license.

§ 34. Period of Suspension.) The commissioner shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under section 42 of this Act.

§ 35. Restoration of Revoked Licenses.) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of the revocation period such person may make application for a new license as provided by law, but the commissioner shall not then issue a new license unless and until he is satisfied after investigation of the character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

§ 36. Surrender and Return of License.) The commissioner upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the commissioner, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee. If any person fails to return to the commissioner any license or permit which has been canceled, suspended, or revoked, the commissioner shall direct any highway patrolman or peace officer to secure possession thereof and return the same to the commissioner.

§ 37. No Operation Under Foreign License During Suspension Or Revocation In This State.) Any resident or nonresident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this Act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this Act.

§ 38. Right of Appeal To Court.) Any person denied a license or whose license has been canceled, suspended, or revoked by the commissioner, except where such cancellation or revocation is mandatory under the provisions of this Act, shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the district court in the county wherein such person shall reside; and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days written notice to the commissioner and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation, or revocation of license under the provisions of this Act. The decision of the district court shall be subject to appeal by either the petitioner or the commissioner.

§ 39. Unlawful Use of License.) It is a misdemeanor punishable by a fine of not more than one hundred dollars or

imprisonment for not more than thirty days or both such fine and imprisonment for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the commissioner upon his lawful demand any operator's or chauffeur's license which has been suspended, revoked, or canceled;
5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or
7. To do any act forbidden or fail to perform any act required by this Act.

§ 40. Making False Affidavit Perjury.) Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

§ 41. Penalty For Driving While License Suspended Or Revoked.) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be punished by imprisonment for not less than two days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars.

§ 42. Extension of License Suspension Or Revocation.) The commissioner upon receiving a record of the conviction of any person upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the commissioner shall not issue a new license for an additional

period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

§ 43. Permitting Unauthorized Minor To Drive.) No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this Act.

§ 44. Permitting Unauthorized Person To Drive.) No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this Act.

§ 45. Renting Motor Vehicles: License of Renter.) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed, or unless the renter certifies that the vehicle shall be driven by a duly licensed driver.

§ 46. Renting Motor Vehicle: License Inspection.) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented, or of the person by whom the vehicle shall be driven, and compared and verified the signature thereon with the signature of such person written in his presence.

§ 47. Renting Motor Vehicle: Records.) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person, or, his certified driver, and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the commissioner.

§ 48. Existing Licenses and Permits.) All operator's licenses and permits issued prior to September 1, 1955, for the period beginning July 1, 1955 and ending June 30, 1957 pursuant to existing law shall be valid for the period designated, but subject to cancellation, revocation, or suspension in accordance with the provisions of this Act and the laws of this state.

§ 49. Uniformity of Interpretation.) This Act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it.

§ 50. Fees Collected To Be Paid Into State Treasury; Use of.) All money received under the provisions of this Act shall be paid monthly into the general fund in the state treasury.

§ 51. Construction.) This Act shall be construed as being a part of title 39, and as replacing chapter 39-06 of the North Dakota Revised Code, as amended.

§ 52. Short Title.) This Act may be cited as the Uniform Motor Vehicle Operator's License Act.

§ 53. Repeal.) Chapter 39-06 of the North Dakota Revised Code of 1943, except section 39-0615, and chapter 39-06 of the 1953 Supplement thereto is hereby repealed.

Approved March 12, 1955.

CHAPTER 252

H. B. No. 601
(Brown)

LOCAL MULTI-LANE TRAFFIC REGULATION

AN ACT

To create and enact subsection 6 of section 39-0704 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to powers of local authorities in traffic regulation.

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

§ 1. Amendment.) Section 39-0704 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended by creating subsection 6 thereto, which is enacted to read as follows:

6. Provide a multi-lane system of traffic control where the width of the highway and other conditions permit.

Approved March 8, 1955.

CHAPTER 253

H. B. No. 542
(Legislative Research Committee)

VEHICLE ACCIDENT REPORTS AND RECORDS

AN ACT

Relating to vehicle accidents, the duties of persons involved in such accidents, accident reports, the reports of magistrates, coroners, garage operators and others concerned with persons involved in accidents, providing penalties for false reports and failure to report as required, and repealing sections 39-0712, 39-0804, 39-0805, 39-0806, 39-0807, and 39-0808 of the North Dakota Revised Code of 1943.

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

§ 1. Accidents Involving Death Or Personal Injuries.)

1. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as

close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3 of this Act. Every such stop shall be made without obstructing traffic more than is necessary.

2. Any person failing to stop or to comply with said requirements under such circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by fine of not less than one hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.
3. The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

§ 2. Accidents Involving Damage To Vehicle.) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 3 of this Act. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days, or by both such fine and imprisonment.

§ 3. Duty To Give Information and Render Aid.) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

§ 4. Duty Upon Striking Unattended Vehicle.) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle

striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

§ 5. Duty Upon Striking Fixtures Upon A Highway.) The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 6 of this Act.

§ 6. Immediate Notice of Accident.) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of fifty dollars or more shall immediately give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the state highway patrol. The driver shall give to the officer, or department, receiving the notice or investigating the accident such detailed information as may be requested. The officer, or department, receiving such notice shall upon request give such driver a receipt showing that the required notice has been given.

§ 7. Officer To Report.) Every law enforcement officer to whom a notice of accident may be given shall make a written report to the highway commissioner showing the facts and circumstances of the accident as reported to him unless he shall refer the investigation of the accident to another enforcement officer. Every enforcement officer, who in the regular course of duty investigates a motor vehicle accident either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, shall forward promptly a written report of such accident to the highway commissioner.

§ 8. When Driver Unable To Report.)

1. An accident notice is not required under this Act from any person who is physically incapable of making the report during the period of such incapacity.
2. Wherever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in section 6 of this Act and there was another occupant

in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

§ 9. False Reports.) Any person who gives information reports as required in sections 6, 7, and 8 of this Act knowing or having reason to believe that such information is false shall be fined not more than two hundred dollars, or imprisoned for not more than thirty days, or both.

§ 10. Accident Report Forms.)

1. The commissioner shall prepare and supply to police departments, coroners, sheriffs, garages, and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, persons and vehicles involved, and contain information sufficient to enable the commissioner to determine whether the requirements for the deposit of security under chapter 39-16 of the 1953 Supplement to the North Dakota Revised Code of 1943 are applicable.
2. Every accident report required to be made in writing shall be made on the appropriate form approved by the commissioner and shall contain all of the information required therein unless not available.

§ 11. Garages To Report.) The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a collision or struck by any bullet, shall report to a police officer within twenty-four hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle.

§ 12. Public Inspection of Reports Relating To Accidents.)

1. All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the department may disclose the identity of

a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

2. All accident reports and supplemental information filed in connection with the administration of the laws of this state relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted, except, however, that such reports and supplemental information may be examined by any person named therein or by his representative designated in writing.
3. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the commissioner shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commissioner in compliance with law.

§ 13. Highway Commissioner To Tabulate and Analyze Accident Reports.) The commissioner shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

§ 14. Any Incorporated City May Require Accident Reports.) Any incorporated city, town, village, or other municipality may be ordinance require that the driver of a vehicle involved in an accident shall file with a designated city department a report of such accident. All such reports shall be for the confidential use of the city department and subject to the provisions of section 12 of this Act.

§ 15. Magistrates To Report Convictions To Highway Commissioner.) Every magistrate in this state shall make a full and complete report to the commissioner within ten days after any person has been convicted of reckless driving on a public highway, or of driving a motor vehicle upon a public highway while under the influence of intoxicating liquor or a narcotic drug, or of failure to stop in event of an accident involving injury or death to any person.

§ 16. Repeal.) Sections 39-0712, 39-0804, 39-0805, 39-0806, 39-0807, and 39-0808 of the North Dakota Revised Code of 1943 are hereby repealed.

§ 17. Construction.) This Act shall be construed as being a part of title 39 of the Revised Code of 1943 as amended.

Approved March 10, 1955.

CHAPTER 254

H. B. No. 557

(Legislative Research Committee)

SPEED LIMITS AND ZONES; MUNICIPAL TRAFFIC CODE;
STATE SAFETY COMMITTEE

AN ACT

Relating to traffic regulations, speed limits, establishing speed zones and coordinating highway safety activities, and amending section 39-0902 and subsection 1 of section 40-0501 of the North Dakota Revised Code of 1943, as amended.

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

§ 1. Amendment.) Section 39-0902 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

39-0902. Speed Limitations.) Subject to the provisions of section 39-0901 and except in those instances where a lower speed is specified in this chapter, it presumably shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding:

1. Twenty miles an hour when approaching within fifty feet of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;
2. Twenty miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;
3. Twenty miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

4. Twenty miles an hour in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding;
5. Twenty-five miles an hour on any highway in a business district when traffic on such highway is controlled at intersections by traffic officers or stop-and-go signals;
6. Twenty-five miles an hour on all other highways in a business district;
7. Twenty-five miles an hour in a residence district and in public parks unless a different speed is fixed by local authorities and duly posted; and
8. The highway commissioner may designate specific areas of state highways where the maximum speed limit of sixty-five miles per hour for passenger vehicles from sunrise to sunset is permissible. The maximum speed limit for all trucks shall be fifty miles per hour. A lower speed limit than fifty miles per hour may be designated for all vehicles in certain areas by the commissioner if in his opinion conditions warrant this action. Fifty-five miles per hour under all other conditions.

In any case when the speed limitations provided for in the foregoing subsections shall be unsafe, it shall be unlawful to operate a motor vehicle at such speed. It shall be unlawful for any person to exceed any of such foregoing speed limitations except as otherwise provided in section 39-0903. In every charge of a violation of the provisions of this section, the complaint shall specify the speed at which the defendant is alleged to have driven, and the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation.

§ 2. Amendment.) Subsection 1 of section 40-0501 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0501. Powers of All Municipalities.)

1. **Ordinances.** To enact or adopt all such ordinances, resolutions, and regulations, not repugnant to the constitution and laws of this state, as may be proper and necessary to carry into effect the powers granted to such municipality or as the general welfare of the municipality may require, and to repeal, alter, or amend the same. The governing body of a municipality may adopt by ordinance the conditions, provisions, and terms

of a building code, a fire prevention code, a plumbing code, and electrical code, a sanitary code, vehicle traffic code, or any other standard code which contains rules and regulations printed as a code in book or pamphlet form by reference to such code or portions thereof alone without setting forth in said ordinance the conditions, provisions, limitations, and terms of such code. When any such code or portion thereof shall have been incorporated by reference into any ordinance as aforesaid, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof. A copy of such standard code or portion thereof shall be filed for use and examination by the public in the office of the city auditor or village clerks of such municipality prior to the adoption thereof. The adoption of any such standard code by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time, and such copy of such standard code so filed shall at all times be kept current in the office of the city auditor or village clerk of such municipality. The adoption of any such code or codes heretofore by any municipality is hereby validated. Fines, penalties, and forfeitures for the violation thereof may be provided within the limits specified in this chapter notwithstanding that such offense may be punishable also as a public offense under the laws of this state.

§ 3. Speed Zones On State Highways.) Whenever the state highway commissioner with respect to highways under his jurisdiction, and the superintendent of the North Dakota state highway patrol, shall jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state highway is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of such highway, said officials acting jointly may determine and declare a reasonable and safe speed limit thereat not in excess of the maximum prescribed by law, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway.

§ 4. Regulation of Speed Control Signs.) If upon investigation the state highway commissioner and the superintendent of the North Dakota state highway patrol shall find it in the interest of public safety, they may order the county, township, city or village officials, to erect and maintain, take down or

regulate such speed control signs, signals or devices as the said state highway commissioner and the superintendent of the state highway patrol shall direct, and in default thereof said state highway commissioner shall be authorized to cause such designated signs, signals and devices to be erected and maintained, taken down, regulated or controlled, in the manner previously directed, and pay for same out of the highway fund designated.

§ 5. North Dakota State Safety Committee, Members.) There is hereby created the North Dakota state safety committee, which shall be composed of the following officials ex officio: the governor, who shall be honorary chairman; the state highway commissioner, who shall be the executive director; the superintendent of the state highway patrol, the motor vehicle registrar, the chairman of the public service commission, the superintendent of public instruction and the attorney general. The members of the safety committee shall receive no additional compensation for service on said committee. Said committee shall have no authority, power or duties now vested in any other department or departments of state government.

§ 6. State Safety Committee, Meetings; Purpose.) It shall be the duty of the safety committee to hold meetings at least quarterly during each calendar year hereafter, at such places as it may determine, and at the call of the executive director, to consult and cooperate with all departments of state government in regard to traffic safety on streets and highways; to interchange information among the several departments of the state government for more effective safety conditions; to cooperate with officials of the United States government and with local governments in regulating highway traffic and to encourage safety education in the state of North Dakota.

Approved March 12, 1955.

CHAPTER 255

H. B. No. 543

(Legislative Research Committee)

VEHICLE EQUIPMENT

AN ACT

Relating to installation, specification, use, authorization of equipment on vehicles, amending and reenacting sections 39-1103, 39-1108, 39-1109, 39-1119, 39-1120, 39-1130, 39-1132 and repealing section 39-1112 of the North Dakota Revised Code of 1943.

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

§ 1. **Amendment.)** Section 39-1103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1103. Headlamps: Construction, Arrangement, and Adjustment: Glaring and Dazzling Light Prohibited.) Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading;
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver; and
3. Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not

otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

§ 2. Single-beam Road-lighting Equipment.) Headlamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after the effective date of this Act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations;

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.
2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

§ 3. Amendment.) Section 39-1108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1108. Spot Lamps; Limitations on Number and Use.) Any motor vehicle may be equipped with not to exceed two spot lamps. Every lighted spot lamp shall be aimed and used upon approaching another vehicle so that no part of the beam will be directed to the left of the center of the highway nor more than one hundred feet ahead of the vehicle.

§ 4. Amendment.) Section 39-1109 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1109. Auxiliary Driving Lamps Permissible; Requirements.) Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height of not less than sixteen inches nor more than forty-two inches above the level surface on which the vehicle stands. Every such auxiliary driving lamp shall meet the requirements and limitations set forth in section 39-1103; provided that any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of center of the vehicle shall at a distance of 25 feet ahead project higher than a level of 4 inches below the level of the center of the lamp from which it comes.

§ 5. Repeal.) Section 39-1112 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 6. Other Lights; Direction and Intensity.) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

§ 7. Flashing Lights, Prohibition.) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal equipment, or on any vehicle as a means for indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

§ 8. Special Lighting and Warning Equipment on School Buses.) The superintendent of public instruction in cooperation with the registrar is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and other vehicles transporting children to school for compensation, consistent with the provisions of chapter 39-11 of the North Dakota Revised Code of 1943, as amended, but supplemental thereto.

§ 9. Amendment.) Section 39-1119 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1119. Lights on Parked Vehicles.) Whenever a motor vehicle is parked or stopped upon a highway, whether attended or unattended, during the time mentioned in section 39-1101, there shall be displayed thereon one or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such motor vehicle and projecting a red light visible under like conditions from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such motor vehicle when parked upon a highway in accordance with local ordinances, where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

§ 10. Vehicles Parked in Sufficient Light. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

§ 11. Amendment.) Section 39-1120 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1120. Red or Green Light Visible From in Front of Vehicle Prohibited; Exception.) No person shall drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof. This section shall not apply to police, fire department, fire patrol, or other authorized emergency vehicles.

§ 12. Amendment.) Section 39-1130 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1130. Vehicle To Be Constructed To Prevent Sifting or Leaking Loads.) No vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

§ 13. Amendment.) Section 39-1132 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1132. Misdemeanor To Violate Provisions Governing Equipment of Vehicles.) It shall constitute a misdemeanor for any person to drive or move, or for the owner to cause or knowingly to permit to be driven or moved, on any highway any vehicle or vehicles which are not constructed as required in this chapter or according to the rules and regulations of the registrar adopted pursuant to the provisions of this chapter, or which are in such unsafe condition as to endanger any person.

§ 14. Vehicles Transporting Explosives.) Any person operating any vehicle transporting any explosive as a cargo or part

of a cargo upon a highway shall at all times comply with the provisions of this section.

1. Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.
2. Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.
3. The registrar is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public.

§ 15. Air-conditioning Equipment.)

1. The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.
2. Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.
3. The registrar may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.
4. No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.
5. No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

§ 16. Certain Vehicles To Carry Flares or Other Warning Devices.)

1. No person shall operate any motor truck, passenger bus or truck tractor upon any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in paragraph 2.
 - a. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at night-time.

No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the registrar and approved by him. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps, and unless it is of a type which has been submitted to the registrar and approved by him.
 - b. At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.
 - c. At least two red-cloth flags, not less than 12 inches square, with standards to support such flags.
2. No person shall operate at the time and under conditions stated in paragraph 1 any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of paragraph 1 of this section, and there shall not be carried in any said vehicle any flares, fusees or signal produced by flame.

§ 17. Display of Warning Devices When Vehicle Disabled.)

1. Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer or poletrailer is disabled upon the

traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in paragraph 2:

- a. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
 - b. As soon thereafter as possible but in any event within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:
 - (A) One, approximately 100 feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.
 - (B) One, approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.
 - (C) One at the traffic side of the disabled vehicle not less than 10 feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (A) of this section, it may be used for this purpose.
2. Whenever any vehicle referred to in this section is disabled within 500 feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the disabled vehicle.
 3. Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in paragraphs 1 and 5 of this section shall be placed as follows:

One at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in

that lane; one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

4. Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately 100 feet in advance of the vehicle, and one at a distance of approximately 100 feet to the rear of the vehicle.
5. Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in paragraph 1 of this section, the driver of such vehicle shall immediately display the following warning devices: one red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately 100 feet to the front and one placed approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.
6. The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of section 16 applicable thereto.

Approved March 2, 1955.

CHAPTER 256

S. B. No. 48

(Freed, Wadeson, Solberg, Schmit)

VEHICLE LENGTH; LIMITS

AN ACT

To amend and reenact subsection 3 of section 39-1204 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to length limitations on vehicles; exceptions.

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

§ 1. **Amendment.)** That subsection 3 of section 39-1204 of the 1953 Supplement to the North Dakota Revised Code of 1943, be amended and reenacted to read as follows:

3. A length, including the load thereon, of thirty-five feet, except buses and trucks, which when equipped with three or more 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 fifty 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 fifty 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 semitrailer 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. No vehicle in excess of forty-five feet in length shall be permitted to use the highways of the state unless such vehicle complies with such reasonable regulations as the highway commissioner may adopt to prevent unnecessary and unusual damage to the highways of the state, and the highway commissioner is hereby authorized to adopt such regulations.

Approved February 26, 1955.

CHAPTER 257

S. B. No. 164
(Duffy and Streibel)

IMPOUNDING OVERLOADED VEHICLES; CIVIL ACTION

AN ACT

To provide for the impounding of any vehicle operated upon any highway, street or road in this state at weights in excess of the weight limitations as specified under the provisions of section 39-1203 of the North Dakota Revised Code of 1943 or as limited by the provisions of section 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943 and to provide for the recovery of charges for extraordinary use of the highways, streets and roads of this state, providing for the weighing of vehicles and the unloading of vehicles carrying excess weights, providing a penalty and declaring an emergency.

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

§ 1.) Any vehicle found to have been moved or used upon any highway, street or road in this state at a weight exceeding the limitations as specified in any order, ordinance or resolu-

tion issued under the provisions of section 39-1203 of the North Dakota Revised Code of 1943 or as limited by the provisions of section 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943, may be impounded by any peace officer and taken to a warehouse or garage for storage.

§ 2.) A receipt shall be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt shall identify as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo shall be obtained from the driver or person in charge of the vehicle.

§ 3.) The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables shall be upon the owner, operator or lessee of such vehicle.

§ 4.) The state highway commissioner with the assistance of the attorney general or the state's attorney of the county where such vehicles are impounded, shall immediately prepare and file a civil complaint for the purpose of recovering charges for the extraordinary use of the highways, streets or roads of this state.

§ 5.) A copy of the complaint shall be served upon the driver or person in charge of the vehicle and a copy shall be sent by registered, return receipt mail to the owner of the vehicle, if the address of such owner is known.

§ 6.) Unless a cash bond shall be furnished in an amount sufficient to cover the charges for extraordinary use of highways, streets and roads, as provided in section 8 of this Act, together with the costs, said vehicle shall be held until a trial of the case can be had before the district court.

§ 7.) At the trial of the action, the court shall hear testimony concerning the facts and if it is found that such vehicle or vehicles were moved upon the highways, streets or roads of this state at a weight in excess of the limitations imposed under the provisions of section 39-1203 of the North Dakota Revised Code of 1943 or as limited by the provisions of section 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943, charges for the extraordinary use of the highways, streets or roads shall be assessed as follows:

1. The storage charges and costs of the action shall be assessed; and
2. An additional charge shall be assessed as follows:
 - a. One cent per pound for each pound of weight in excess of the legal limit, up to three thousand pounds of excess weight;
 - b. Four cents per pound for each pound which exceeds the legal limit by over three thousand but is less than five thousand pounds of excess; and
 - c. Eight cents per pound for each pound which exceeds the legal limit by over five thousand pounds.

§ 8.) If the charges and costs as provided in section 7 of this Act are not paid immediately from a cash bond previously posted or other cash payment, the judge shall order the vehicle confiscated and sold by the sheriff of the county at a public sale to the highest bidder and the proceeds applied to the payment of the charges and costs assessed under the provisions of this Act.

§ 9.) The payment of charges assessed under this Act shall not be construed as a payment for the future use of highways, streets or roads by vehicles carrying excess loads.

§ 10.) The proceeds of any sale authorized under this Act shall be applied first to the payment of the costs of the proceedings and next to the payment of the charges assessed. Such charges shall be remitted to the state treasurer to be credited to the highways construction fund, and the moneys so collected are hereby appropriated for use by the state highway department in the construction or reconstruction of highways, roads and streets of this state. The balance of the proceeds of any sale after the payment of costs and charges shall be paid over by the sheriff to the person entitled thereto as determined by the court, or shall be deposited with the clerk of court for such payment.

§ 11.) Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding one hundred dollars or imprisonment of not more than thirty days, or by both such fine and imprisonment.

§ 12.) When any motor truck, truck-tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum prescribed under the provisions of sections 39-1203 and 39-1205 of the North Dakota Revised Code of 1943, as amended, or other maximum weight limita-

tions prescribed by law, the load shall be reduced or shifted to within such maximum limitations before being permitted to operate on any public highway of this state; provided, however, that any such vehicle carrying a load of livestock shall be exempt from the limitations prescribed in section 39-1205 of the North Dakota Revised Code of 1943, as amended, relating to the carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by a shifting of the weight of the livestock. All material unloaded as required by this section shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

§ 13. 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, 1955.

CHAPTER 258

S. B. No. 163
(Duffy, Streibel)

VIOLATIONS OF SIZE AND WEIGHT LIMITS

AN ACT

To amend and reenact section 39-1208 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to penalty for violating width, height, length and load limitations upon the highways of this state and declaring an emergency.

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

§ 1. Amendment.) Section 39-1208 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1208. Penalty for Violating Width, Height, Length and Load Limitations.) Any person violating the provisions of sections 39-1204 or 39-1205 of the 1953 Supplement to the North Dakota Revised Code of 1943, or sections 39-1206 or 39-1207 of the North Dakota Revised Code of 1943 is 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 more than thirty days or both such fine and imprisonment.

§ 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 2, 1955.

MUNICIPAL GOVERNMENT

CHAPTER 259

H. B. No. 675
(Engen, Miller, Scott, Langseth)

GAS TRANSMISSION LINES, PLANTS AND DISTRIBUTION SYSTEMS

AN ACT

To amend and reenact subsection 67 of section 40-0501 and section 40-3301 of the North Dakota Revised Code of 1943, relating to the acquisition and operation of municipal utilities and authorizing municipalities to construct and operate natural or artificial gas transmission lines, plants, and distribution systems.

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

§ 1. Amendment.) Section 40-3301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3301. Electric Light, Telephone, Natural and Artificial Gas Plants, Pipelines and Distribution Systems and Power Plants: Municipalities May Purchase, Erect, Construct, Maintain, Sell, Or Lease.) Any municipality may purchase, erect, construct, operate, maintain, enlarge, improve and extend, or lease from any person, firm, or corporation, or sell or lease to any person, firm, or corporation:

1. Any electric light and power plant, site, buildings and equipment thereof;
2. Any electric distribution system and equipment thereof;
3. Any electric transmission line and equipment thereof;
4. Any telephone plant, equipment, and distribution system thereof;
5. Any waterworks, mains, and water distribution system and any equipment or appliances connected therewith;
6. Any heating system, gas or otherwise, and the buildings and equipment necessary to furnish heat to the public buildings of the municipality and to the inhabitants of the municipality; and
7. Any natural or artificial gas pipeline transmission or distribution system or plants.

§ 2. Joint Construction and Operation of Gas Transmission Or Distribution Systems Or Plants.) In accordance with the provisions of chapter 40-33 of the North Dakota Revised Code of 1943, as amended, any municipality within this state may join with other municipalities for the purpose of jointly constructing, acquiring or operating natural or artificial gas transmission lines, distribution systems, and plants upon such contractual basis as may be desirable and mutually agreeable to the governing bodies of the municipalities concerned. Such lines, systems or plants shall be jointly operated by a board consisting of such representatives of each municipality as may be agreed by the governing bodies thereof, except that each such municipality shall have at least one member on such board, as selected by the governing body thereof. The governing board of such jointly operated utilities shall have all of the powers of any utility owned or operated by a single municipality. Before any such jointly operated utility shall begin operation, it shall first secure a certificate of convenience and necessity from the public service commission, who shall issue or refuse the issuance of such certificate upon like procedure and grounds as is required for such action upon the certificates of privately owned utilities. Such jointly operated utilities shall be subject to all rules, regulations and orders of the public service commission in the same manner as privately owned utilities.

§ 3. Sale of Gas Outside Municipalities.) Any jointly operated utility as provided in section 2 of this Act shall be authorized to sell and dispose of gas outside the limits of incorporated municipalities in such manner and upon such terms and conditions as may be prescribed by the public service commission.

§ 4. Funds of Jointly Operated Utilities.) All funds of any jointly operated utility as provided in section 2 of this Act shall not be subject to the provisions of sections 40-3310 and 40-3311 of the North Dakota Revised Code of 1943, but shall be kept separate and apart from all other funds of any participating municipality and shall be disbursed in the manner provided by the governing board thereof. All books and accounts of such jointly operated utility shall be examined periodically by the state examiner, who shall be reimbursed by the utility for the costs of such examination. The state examiner shall render reports upon such examinations to the governing bodies of the participating municipalities.

§ 5. Surplus Funds of Jointly Operated Utility.) Any surplus funds of any jointly operated utility, as provided for in section 2 of this Act, shall be distributed to the participating municipalities ratably in proportion to their interest or owner-

ship therein. Such surplus funds received by any municipality shall be disposed of by the governing body of the municipality in accordance with the provisions of section 40-3312 of the North Dakota Revised Code of 1943, as amended.

§ 6. **Amendment.**) Subsection 67 of section 40-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

67. **Light and Power Plants and Gas Transmission or Distribution Systems.)** To purchase, acquire by eminent domain, erect, lease, rent, manage, and maintain electric light and power plants, gas works, steam heating plants and appurtenances for distribution, and to regulate and fix the rates to its patrons; and to jointly, with other municipalities, acquire by eminent domain, erect, construct, lease, rent, manage, and maintain any artificial or natural gas transmission or distribution lines or plants.

Approved March 7, 1955.

CHAPTER 260

H. B. No. 857
(Delayed Bills Committee)

POWERS OF FOREIGN MUNICIPALITIES

AN ACT

To amend and reenact section 40-0511 of the North Dakota Revised Code of 1943 relating to powers of foreign municipalities.

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

§ 1. **Amendment.**) Section 40-0511 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0511. Foreign City: Power To Acquire By Right of Eminent Domain, Purchase, Lease, Own, and Hold Real Estate In This State; Liability.) Any city of another state situated within five miles of the boundary line of this state may purchase, lease, own, and hold real estate in this state for waterworks or sewerage purposes and may improve the land for municipal purposes in the same manner as a city situated in this state, and may lease, let or convey the land. Any city so situated is hereby empowered to acquire, by purchase, gift,

devise, or condemnation, any property, corporeal, or incorporeal within this state, as may be necessary or convenient for the construction and maintenance of an electric power transmission line, which electric power transmission line has the function of connecting a municipal power plant, owned and operated by said city, with distribution facilities owned by the government of the United States for distributing electric power generated at Garrison Dam. Such foreign city shall be liable for all damages growing out of or incident to the ownership, use, or occupation of any such real estate in this state as if it were a municipality of this state.

Approved March 10, 1955.

CHAPTER 261

S. B. No. 116
(Schrock and Baeverstad)

AUTHORIZATION OF LIABILITY INSURANCE
FOR MUNICIPALITIES

AN ACT

Authorizing political subdivisions to carry liability insurance and eliminating the defense of governmental immunity to insurers furnishing such insurance.

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

§ 1.) Political Subdivisions Authorized To Carry Liability Insurance; Defense of Governmental Immunity Not Available To Insurers.) Any political subdivision of the state may insure against claims of loss, damage, or injury against such political subdivision or any department, agency, or function, or officer, agent, or employee, of such subdivision. This Act shall not deprive any political subdivision of the state of its right to claim governmental immunity but such immunity shall not be available to the insurance carrier furnishing such insurance and all policies providing for such insurance shall contain a waiver of such defense.

Approved March 5, 1955.

CHAPTER 262

S. B. No. 110
(Committee on Political Subdivisions)

COMPENSATION OF VILLAGE TRUSTEES

AN ACT

To amend and reenact section 40-0706 of the North Dakota Revised Code of 1943 relating to compensation of village trustees.

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

§ 1. **Amendment.)** Section 40-0706 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0706. Compensation of Trustees.) A village trustee shall receive five dollars for each meeting actually attended by him, but the sum received by a trustee shall not exceed sixty dollars for any one year during his term of office.

Approved February 26, 1955.

CHAPTER 263

H. B. No. 693
(Christopher, Einarson and Gefreh)

VACANCIES IN CITY OFFICES

AN ACT

To amend and reenact sections 40-0808, 40-0816 and 40-0910 of the North Dakota Revised Code of 1943, relating to vacancies in city offices.

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

§ 1. **Amendment.)** Section 40-0808 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0808. Vacancies On City Council; How Filled.) If a vacancy occurs in the office of alderman by death, resignation, or otherwise, the city council may call a special city election to fill such vacancy for the unexpired term, or may, after

fifteen days of the date of such vacancy appoint a person from the ward in which the alderman previously holding was elected or appointed to fill such vacancy until the next city election, at which election the unexpired term shall be filled. Upon petition of five percent of the electors of such ward, as determined by the total number of votes cast in such ward in the last general election, the council shall call a special election to fill a vacancy occurring more than six months before the next city election, provided such petition has been submitted within fifteen days of the date of such vacancy.

§ 2. Amendment.) Section 40-0816 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0816. Vacancy In Office of Mayor; Filled By Election Or By City Council; President of Council To Be Acting Mayor.) If a vacancy occurs in the office of mayor, the city council may call a special city election to fill such vacancy for the unexpired term or may, after fifteen days from the date of such vacancy, elect one of its members to act as mayor, the member so elected shall possess all the rights and powers of the mayor until the next election and until a mayor is elected and qualified. Upon petition of five percent of the electors, as determined by the total number of votes cast in the city in the last general election, the council shall call a special election to fill a vacancy occurring more than six months prior to the next city election, provided such petition is submitted within fifteen days of the date of such vacancy. During the interim between the date when a vacancy occurs in the office of mayor and election and qualification of a successor, the president of the city council shall be the acting mayor.

§ 3. Amendment.) Section 40-0910 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0910. How Vacancies In Board Filled.) If a vacancy occurs in the office of a city commissioner or president of the board of city commissioners, the board may call a special city election to fill such vacancy for the unexpired term, or may, after fifteen days from the date of such vacancy appoint a person to fill such vacancy until the next city election, at which election the unexpired term shall be filled. Upon petition of five percent of the electors, as determined by the total number of votes cast in the city in the last general election, the commission shall call a special city election to fill a vacancy occurring more than six months prior to the next city election, provided such petition has been submitted within fifteen days of the date of such vacancy.

Approved March 11, 1955.

CHAPTER 264

H. B. No. 692
(Gefreh and Gress)

MEETINGS OF BOARDS OF CITY COMMISSIONERS

AN ACT

To amend and reenact section 40-0911 of the North Dakota Revised Code of 1943, relating to meetings of boards of city commissioners.

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

§ 1. **Amendment.**) Section 40-0911 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0911. Meetings of Board; Regular and Special; Action On Departmental Matters.) The board of city commissioners shall meet in regular meeting at least once every two weeks and at such additional times as the board, by ordinance, may establish. All regular meetings shall be held at a time and place to be designated by the board. No action of the board shall be effective unless upon a vote of a majority of a quorum of the members of such board. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day or such action is taken at a regular meeting of the board. Special meetings may be called at any time by the president or any two members of the board to consider matters mentioned in the call of such meeting. Written notice of any special meeting shall be given to each member of the board.

Approved February 28, 1955.

CHAPTER 265

S. B. No. 85

(Day)

VACANCIES IN OFFICE OF POLICE MAGISTRATE OR
CITY JUSTICE OF PEACE

AN ACT

To amend and reenact section 40-1803 of the North Dakota Revised Code of 1943, relating to police magistrates and justices of the peace.

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

§ 1. **Amendment.)** Section 40-1803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1803. Vacancy In Office of Police Magistrate Or City Justice of Peace: Temporary Absence of Police Magistrate.) If a vacancy exists in the office of police magistrate or of city justice of the peace by death, resignation, or otherwise, it shall be filled by appointment by the executive officer, subject to confirmation by the governing body of the city. An appointee shall qualify, and he shall hold office until the next city election, and until his successor is elected and qualified. During the temporary absence, interest, or disability of the police magistrate, the city justice of the peace designated by the executive officer of the municipality shall act as police magistrate provided that, in the event that the city justice of the peace is unable to act for any reason, any county justice of the peace designated by the executive officer shall act as police magistrate until either the police magistrate or city justice of the peace is available in the trial of causes triable before the police magistrate.

Approved March 9, 1955.

CHAPTER 266

S. B. No. 224
(Judiciary Committee)

APPEALS FROM POLICE MAGISTRATE OR VILLAGE
JUSTICE DETERMINATIONS

AN ACT

To amend and reenact section 40-1819 of the North Dakota Revised Code of 1943 relating to appeals from determinations of police magistrate or village justice; Trial; Bail.

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

§ 1. **Amendment.**) Section 40-1819 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1819. Appeals From Determinations of Police Magistrate Or Village Justice.) An appeal may be taken to the district court from any judgment in a police magistrate's court or in the court of a village justice of the peace in the same form and manner as appeals are taken and perfected from a judgment of conviction of a defendant in justice court, and in accordance with sections 33-1234, 33-1235 and 33-1239, and shall be tried in the district court in accordance with sections 33-1240 and 33-1241, and bail shall be taken in accordance with sections 33-1236 and 33-1237, and witnesses may be placed under bond as provided for in section 33-1238, all sections of the North Dakota Revised Code of 1943, as amended. On all appeals from a determination in a police magistrate's court or in a court of a village justice of the peace, the district court shall take judicial notice of all of the ordinances of the city or of the village, as the case may be.

Approved March 9, 1955.

CHAPTER 267

H. B. No. 634
(Rohde, Mollet and Baldwin)

COMPENSATION OF VILLAGE ASSESSOR

AN ACT

To amend and reenact section 40-1904 of the North Dakota Revised Code of 1943 relating to the compensation of village assessors.

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

§ 1. Amendment.) Section 40-1904 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1904. Compensation of Village Assessor.) The village assessor shall receive as compensation for his services a sum determined by the board of trustees, not to exceed ten dollars per day, for each day actually and necessarily employed in making and completing the assessment. Such compensation shall be paid out of the village treasury upon an itemized statement setting forth the actual time spent in making the assessment.

Approved March 2, 1955.

CHAPTER 268

H. B. No. 650
(Baldwin, Simonson and Brooks)

TAX LEVY FOR DEFICIENCIES IN SPECIAL
IMPROVEMENT FUNDS

AN ACT

To amend and reenact section 40-2608 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the liability of municipalities for deficiencies in special improvement funds.

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

§ 1. Amendment.) Section 40-2608 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2608. Municipality Liable Generally For Deficiencies In Special Assessment Fund.) Whenever all special assessments and all utility revenues and taxes, if any, appropriated and theretofore collected for a special improvement are insufficient to pay the special improvement warrants issued against such improvement, with interest, the governing body, upon the maturity of the last special assessment warrant, shall levy a tax upon all of the taxable property in the municipality for the payment of such deficiency; provided, however, that if at any time prior to the maturity of the last special assessment warrant a deficiency is likely to occur within one year or exists in such special improvement fund for the payment of principal and interest due on such warrants, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency. In case a balance remains unexpended in such special improvement fund after the payment of all warrants drawn thereon with interest, it shall be paid over or transferred to the general fund of the municipality.

Approved February 26, 1955.

CHAPTER 269

S. B. No. 176

(Livingston, Klefstad, Day, Foss and Hagen)

MUNICIPAL SEWER AND WATER CONNECTIONS ASSESSMENT FUNDS; CONTINGENT LIABILITY

AN ACT

To amend and reenact section 40-2805 of the North Dakota Revised Code of 1943, relating to sewer and water connections assessment funds of municipalities; providing for the issuance and payment of warrants and for contingent liability.

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

§ 1. Amendment.) Section 40-2805 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2805. Sewer and Water Connections Assessment Fund; Warrants; Payment.) All money collected from assessments for laying and constructing sewer, water, and other service connections provided for in this chapter shall be kept in a fund called "sewer and water connections assessment fund",

and warrants shall be drawn on such fund for the payment of the cost of such connections. All sewer and water connections assessment warrants shall be payable as specified and in such amount as in the judgment of the governing body will be provided by the taxes and assessments. Such warrants shall bear interest at a rate of not more than seven percent per annum and interest shall be payable annually. They may have coupons attached representing each year's interest. The warrants shall state on their face the purpose for which they were issued and from what fund they are payable, and shall be signed by the executive officer, countersigned by the city auditor or village clerk, as the case may be, under the seal of the municipality, and shall be in denominations of not to exceed one thousand dollars each. The warrants may be used to make payment on contracts for making the connections or may be sold for cash at not less than the par value thereof and the proceeds credited to the special fund and used to pay for such connections. Except as otherwise provided in this section, a municipality shall not be liable generally on any contracts for the making of such connections and shall not be required to pay funds raised by general taxation upon any such contract. Whenever all taxes and assessments collected are insufficient to pay the warrants issued, with interest, the governing body, upon the maturity of the last warrant, shall levy a tax upon all of the taxable property in the municipality for the payment of such deficiency; provided, however, that if at any time prior to the maturity of the last warrant a deficiency is likely to occur within one year or exists in the fund for the payment of principal and interest due on such warrants, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency. In case a balance remains unexpended in such fund after the payment of all warrants drawn thereon with interest, it shall be paid over or transferred to the general fund of the municipality.

Approved March 9, 1955.

CHAPTER 270

H. B. No. 770

(Fristad, Knudson, Schmidt and Baldwin)

SIDEWALK CONSTRUCTION IN MUNICIPALITIES

AN ACT

To amend and reenact sections 40-2907, 40-2908, and 40-2909 of the North Dakota Revised Code of 1943, relating to sidewalk construction in municipalities; providing for advertising for bids, awarding of contracts, and extension of assessments.

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

§ 1. **Amendment.)** Section 40-2907 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2907. Advertising For Bids For Sidewalks; Making of Bids.) The city auditor or village clerk, as the case may be, shall advertise in the official municipal newspaper once each week for two consecutive weeks for bids for the construction of the various kinds of sidewalks in the municipality. The bids shall be made in accordance with the specifications of the ordinance required by section 40-2901 and shall be accompanied by a certified check in the amount of fifty dollars in accordance with section 40-2220, and by a bond in the amount of five hundred dollars conditioned as provided in section 40-2223.

§ 2. **Amendment.)** Section 40-2908 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2908. Awarding Contract For Sidewalks.) At a regular meeting of the governing body, the bids shall be opened and the contract for sidewalk work awarded to the lowest responsible bidder who has complied with the requirements of this chapter. Contracts may be awarded to different bidders for the different kinds of sidewalks required and shall be in accordance with the applicable provisions of section 40-2236.

§ 3. **Amendment.)** Section 40-2909 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2909. City Auditor Or Village Clerk To Deliver Assessment Rolls To County Auditor; Extension; Collection.) The city auditor or village clerk, as the case may be, shall deliver to the county auditor a duplicate of all assessment rolls con-

taining assessments made under the provisions of this chapter, and the county auditor shall extend the assessments in the proper column against the property assessed. Each assessment shall be collected and the payment thereof enforced as county and state taxes are collected and enforced. When collected, the assessment shall be paid over by the county treasurer to the municipal treasurer in the same manner as other taxes.

Approved March 7, 1955.

CHAPTER 271

S. B. No. 177

(Livingston, Klefstad, Day, Foss and Hagen)

MUNICIPAL CONSTRUCTION, ETC., OF SIDEWALKS; SEPARATE FUND; CONTINGENT LIABILITY

AN ACT

To amend and reenact sections 40-2913 and 40-2914 of the North Dakota Revised Code of 1943, relating to construction, repairing or rebuilding of sidewalks in municipalities; providing for separate funds for such purposes and for contingent liability.

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

§ 1. Amendment.) Section 40-2913 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2913. Sidewalks Repaired Or Constructed In Municipalities Not To Be Paid For By General Taxation; Exception.) Except as otherwise provided in this chapter, a municipality shall not be liable generally on any contract for the construction, rebuilding, or repairing of sidewalks, and shall not be required to pay funds raised by general taxation upon any such contract.

§ 2. Amendment.) Section 40-2914 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2914. Sidewalk Special Fund; Warrants Drawn Upon; Levy.) All moneys received by a municipality from assessments for the construction, rebuilding, or repairing of sidewalks shall be kept in a separate fund designated as "sidewalk special fund." Warrants shall be drawn on such fund for the payment of the cost of constructing, rebuilding, and repairing

sidewalks. Whenever all taxes and assessments collected are insufficient to pay the warrants issued, with interest, the governing body, upon the maturity of the last warrant, shall levy a tax upon all of the taxable property in the municipality for the payment of such deficiency; provided, however, that if at any time prior to the maturity of the last warrant a deficiency is likely to occur within one year or exists in the fund for the payment of principal and interest due on such warrants, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency. In case a balance remains unexpended in such fund after the payment of all warrants drawn thereon with interest, it shall be paid over or transferred to the general fund of the municipality.

Approved March 9, 1955.

CHAPTER 272

S. B. No. 178

(Livingston, Klefstad, Day, Foss and Hagen)

MUNICIPAL CURBING AND GUTTER CONSTRUCTION, ETC; SEPARATE FUND; CONTINGENT LIABILITY

AN ACT

To amend and reenact sections 40-3107 and 40-3108 of the North Dakota Revised Code of 1943, relating to construction and repair of curbing and gutters in municipalities; providing for separate funds for such purposes and for contingent liability.

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

§ 1. **Amendment.)** Section 40-3107 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3107. Curbing Not To Be Paid For By General Taxation; Exception.) Except as otherwise provided in this chapter, a city shall not be liable generally on any contract for the building or repairing of curbing and shall not be required to pay funds raised by general taxation upon any such contract.

§ 2. **Amendment.)** Section 40-3108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3108. Curbing Special Fund: Warrants Drawn Upon; Levy.) All moneys received by a city from assessments for building or repairing curbing shall be kept in a separate fund designated as curbing special fund. Warrants shall be drawn upon such fund for the payment of the cost of building and repairing curbing in the municipality. Whenever all taxes and assessments collected are insufficient to pay the warrants issued, with interest, the governing body, upon the maturity of the last warrant, shall levy a tax upon all of the taxable property in the municipality for the payment of such deficiency; provided, however, that if at any time prior to the maturity of the last warrant a deficiency is likely to occur within one year or exists in the fund for the payment of principal and interest due on such warrants, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency. In case a balance remains unexpended in such fund after the payment of all warrants drawn thereon with interest, it shall be paid or transferred to the general fund of the municipality.

Approved March 9, 1955.

CHAPTER 273

S. B. No. 169
(Bridston and Day)

AUTHORIZING MUNICIPALITIES TO ESTABLISH A PUBLIC TRANSPORTATION SYSTEM

AN ACT

To permit municipalities to borrow money and to issue general obligation bonds for part of the cost and revenue bonds for part of the cost of purchasing, acquiring or establishing a public transportation system.

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

§ 1.) Whenever the governing body of any municipality shall determine that the public convenience and necessity of the municipality require the purchase, acquisition or establishment of a public transportation system it may, by resolution adopted by the affirmative vote of a majority of its members determine that the anticipated net revenues of such public transportation system would be insufficient to assure the sale of revenue bonds for the total cost thereof, and that a specific amount, in dollars, of the cost thereof should be paid for

through the issuance and sale of general obligation bonds and the remainder of the cost should be paid for through the issuance and sale of revenue bonds.

§ 2.) Upon the passage of a resolution as set forth in section 1 hereof, the municipality shall proceed in the manner set forth in chapter 21-03 of the North Dakota Revised Code of 1943 as amended for the issuance of the amount of general obligation bonds provided in said resolution, and if and when the issuance of general obligation bonds is authorized by the vote of the electors of the municipality as in said chapter provided, it shall proceed as provided in chapter 40-35 of the North Dakota Revised Code of 1943, as amended, for the issuance of the amount of revenue bonds provided in said resolution. In all resolutions and notices of election in connection with the issuance of general obligation bonds, reference shall be made to the amount of revenue bonds which the municipality proposes to issue for the purpose in addition to the general obligation bonds.

§ 3.) All general obligation bonds issued pursuant to this Act shall be subject to all the restrictions, qualifications and limitations of chapter 21-03 of the North Dakota Revised Code of 1943 as amended, as well as all constitutional limitations upon indebtedness, and all revenue bonds issued pursuant to this Act, together with all revenues of the transportation system, shall be subject to all the limitations, qualifications and restrictions of chapter 40-35 of the North Dakota Revised Code of 1943 as amended.

§ 4.) The provisions of this chapter shall not apply to any case in which a municipality determines that the acquisition of a public transportation system should be financed through general obligation bonds only, or through revenue bonds only, it being the intention of the Legislature that this Act shall apply only in cases in which such financing is to be accomplished through a combination of revenue bonds and general obligation bonds.

Approved March 9, 1955.

CHAPTER 274

S. B. No. 143
(Solberg)

DEFINING "UNDERTAKINGS" AS APPLIED TO
MUNICIPAL REVENUE BONDS

AN ACT

To amend and reenact section 40-3502 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the revenue bond law so as to include the operation of trailer courts and facilities for house trailers, defining the undertakings for which municipalities may issue revenue bonds to include public transportation systems.

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

§ 1. **Amendment.)** Section 40-3502 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3502. "Undertaking" Defined.) The term "undertaking", as used in this chapter, unless a different meaning clearly appears from the context, shall mean systems, plants, works, instrumentalities, and properties used in revenue producing undertakings, or any combination of two or more of such undertakings, which are used or useful in connection with:

1. The obtaining of a water supply and the conservation, treatment, and disposal of water for public and private uses;
2. The collection, treatment, and disposal of sewage, waste, and storm water;
3. The generation, production, transmission, and distribution of natural, artificial, or mixed gas, or electric energy, for lighting, heating, and power for public and private uses;
4. The operation of parking lots, trailer courts and facilities for motor vehicles and house trailers; and
5. The purchase, acquisition or establishment, maintenance and operation of a public transportation system;

together with all parts of any such undertaking and all appurtenances thereto, including lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, generating stations, sewage disposal plants, intercepting sewers, trunk connections, other sewer and water mains, filtration works, pumping stations, and equipment.

Approved March 3, 1955.

CHAPTER 275

H. B. No. 799
(Sticka)

TAX LEVY BY MUNICIPALITIES FOR BAND PURPOSES

AN ACT

To amend and reenact section 40-3703 of the North Dakota Revised Code of 1943, relating to the authorization for a levy and expenditure of funds for band purposes by municipalities.

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

§ 1. Amendment.) Section 40-3703 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3703. Votes Required To Authorize Levy: Limitations On Tax Levy.) The levy for municipal band purposes shall be authorized if sixty percent of the votes cast at the election are in favor of the proposition. The governing body of the municipality thereupon may include in its budget an appropriation for the maintenance or employment of a band for municipal purposes and may levy a tax to cover the appropriation in its annual tax levy. The amount of the levy to cover such appropriation, together with the aggregate amount levied for general purposes, shall be within the limitations prescribed in chapter 15 of the title Taxation. The amount appropriated for the maintenance or employment of a band for municipal purposes shall not exceed the amount which will be raised by a levy of one mill on the net assessed valuation of the taxable property in the municipality.

Approved March 7, 1955.

CHAPTER 276

S. B. No. 138
(Judiciary Committee)

PUBLIC LIBRARY FUND; LEVY LIMITATION

AN ACT

To amend and reenact section 40-3802 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to library funds, levy of taxes therefor, and restricting levy to limitation provided by law.

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

§ 1. Amendment.) Section 40-3802 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3802. Library Fund: Levy; Collection; Kept Separate.) For the purpose of establishing and maintaining a public library and reading room, the governing body of a county, city or village authorizing the same shall establish a library fund by annually levying and causing to be collected as other taxes are collected, a municipal or county tax within the tax levy limitations provided by the laws of this state. The treasurer of the county, city or village shall keep such fund separate and apart from the other money of the county or municipality, and it shall be used exclusively for the establishment and maintenance of a public library, reading room and general library service. Whenever a tax for county library service is levied, any city or village, already levying a tax for public library service under the provisions of this section, shall upon written application to the county board of such county be exempted from such county tax levy, provided the city or village making such application expends for a library fund during the year for which such tax levy is made a sum at least equal to the sum which it would have to pay toward such county library levy.

Approved March 5, 1955.

CHAPTER 277

H. B. No. 772
(Baldwin, Fristad,)
(Knudson and Schmidt)

INVESTMENT OF POLICEMEN'S PENSION FUNDS

AN ACT

To amend and reenact section 40-4506 of the North Dakota Revised Code of 1943, relating to investment of policemen's pension funds.

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

§ 1. **Amendment.)** Section 40-4506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4056. Investment of Surplus In Fund: Limitations: Securities Deposited With Treasurer.) At the end of the fiscal year, the board of trustees may invest any surplus left in the policemen's pension fund, but no part of the moneys realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest-bearing bonds of the United States or the state of North Dakota, or bonds or warrants of any county, township, or municipal corporation of this state which constitute the general obligations or contingent general obligations of the issuing tax authority. All securities shall be deposited with the treasurer of the board for safekeeping.

Approved March 1, 1955.

CHAPTER 278

H. B. No. 771
(Baldwin, Fristad,)
(Knudson and)
(Schmidt)

INVESTMENT OF CITY EMPLOYEES' PENSION FUNDS

AN ACT

To amend and reenact section 40-4608 of the North Dakota Revised Code of 1943, relating to investment of city employees' pension funds.

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

§ 1. Amendment.) Section 40-4608 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4608. Investment of Surplus In Fund; Limitations: Securities Deposited With Treasurer.) At the end of each fiscal year, the board of trustees may invest any surplus left in the city employees' pension fund, but no part of the moneys realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest-bearing bonds of the United States or the state of North Dakota, or bonds or warrants of any county, township, or municipal corporation of this state which constitute the general obligations or contingent general obligations of the issuing tax authority. All securities in which moneys belonging to the fund are invested shall be deposited with the treasurer of the board for safekeeping.

Approved February 28, 1955.

CHAPTER 279

H. B. No. 779
(Sticka and Roen)

COMPENSATION OF PARK COMMISSIONERS

AN ACT

To amend and reenact section 40-4910 of the North Dakota Revised Code of 1943, relating to board of park commissioners.

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

§ 1. Amendment.) Section 40-4910 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4910. Members of Board of Park Commissioners May Receive Compensation; Interest In Contracts Prohibited.) The members of the board of park commissioners shall receive such compensation for their services as may be prescribed by the governing body of the municipality and shall not be interested in any contract entered into by the board.

Approved March 10, 1955.

CHAPTER 280

H. B. No. 777
(Solberg, Baldwin)

INDUSTRIAL DEVELOPMENT WITHIN MUNICIPALITIES

AN ACT

To promote industrial development within municipalities of this state; to authorize municipalities to acquire or construct, but not to operate, production facilities, together with all necessary appurtenances; to authorize the issuance and sale of revenue bonds for the purpose of this Act; and providing for separability of sections.

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

§ 1. Name of Act.) This Act may be cited as the Municipal Industrial Development Act of 1955.

§ 2. "Projects" Defined.) The term "project", as used in this chapter, unless a different meaning clearly appears from the context, shall mean any properties, real or personal, used or useful, in connection with revenue producing enterprises, or any combination of two or more such enterprises, engaged, or to be engaged, in:

1. Assembling, fabricating, manufacturing, mixing, or processing of any agricultural, mineral, or manufactured products, or any combination thereof;
2. Storing, warehousing, distributing, or selling any products of agriculture, mining, or manufacture.

In no event, however, shall the term "project" include those undertakings defined in chapter 40-35 of the North Dakota Revised Code of 1943.

§ 3. Powers of Municipality.) Any municipality, in addition to the powers prescribed elsewhere by the laws of this state, shall have the power to:

1. Acquire, whether by purchase, lease, or gift, from any source whatsoever, any lands, buildings, improvements on lands or buildings, and any real and personal property, including but not limited to easements, profits, rights in land and water rights deemed necessary in connection therewith, and to construct, reconstruct, improve, better, or extend any project which shall be located within this state, whether wholly within or wholly without the municipality, or partially within and partially without the municipality;
2. Issue revenue bonds, in anticipation of the collection of revenues of such project, to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment or extension of any project, whether then in existence or not;
3. Lease projects to any industrial or commercial enterprise in such manner that rents to be charged for the use of such projects shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment of interest upon all bonds issued hereunder, to create a sinking fund to pay the principal of such bonds when due, and to provide for the operation, maintenance, insurance on, and depreciation of such projects, and any taxes thereon;
4. Pledge to the punctual payment of said bonds and the interest thereof, all or any part of the revenues of such project, including the revenues of projects which shall

be acquired or constructed subsequent to the issuance of such bonds, as well as revenues of projects existing when such bonds were issued;

5. Mortgage or otherwise encumber said projects in favor of the holder, or holders, of said revenue bonds, or a trustee therefor, provided that in creating any such mortgages or encumbrances, a municipality shall not have the power to obligate itself except with respect to the project;
6. Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, or in order to secure the payments of its bonds;
7. Enter into and perform such contracts and agreements with other municipalities, political subdivisions, and state agencies, authorities and institutions as the respective governing bodies of the same may deem proper and feasible for or concerning the planning, construction, lease, or other acquisition, and the financing of such facilities, and the maintenance thereof. Any such municipalities so contracting with each other may also provide in their contract or agreement for a board, commission, or such other body as their governing bodies may deem proper for the supervision and general management of the facilities of the project;
8. Accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, leasing or other provision of any project, and to enter into agreements with such agency respecting such loans or grants;
9. Sell and convey all properties acquired in connection with such projects, including without limitation the sale and conveyance thereof subject to such mortgage as herein provided, for such price, and at such time as the governing body of the municipality may determine, provided, however, that no sale or conveyance of such properties shall ever be made in such manner as to impair the rights or interests of the holder, or holders, of any bonds issued under the authority of this Act; and
10. Issue said revenue bonds to refund, in whole or in part bonds previously issued by such municipality under authority of this Act.

No municipality shall have the power to operate any project referred to in this Act as a business or in any manner whatso-

ever, except as the lessor thereof. No debt on the general credit of the municipality shall be incurred in any manner for any purpose under the provisions of this Act. No municipality may pay out of its general fund, or otherwise contribute to the cost of a project, nor can it use any land already owned by or in which the municipality has an interest, for the construction thereof of a project.

§ 4. Resolution Authorizing Project and the Issuance of Revenue Bonds; No Election Required.) The acquisition, construction, reconstruction, improvement, betterment, or extension of any project, and the issue of bonds in anticipation of the collection of the revenues of such project to provide funds to pay for the cost thereof, may be authorized by an ordinance or resolution of the governing body adopted at a regular meeting thereof by the affirmative vote of a majority of its members. No election shall be required to authorize the use of any of the powers conferred by this Act.

§ 5. No Approval of Public Officer Required.) No notice to or consent of any governmental body or public officer of the state shall be required to authorize the issuance or sale of bonds or the making of any mortgage in connection therewith.

§ 6. Certificate of Convenience Or Necessity Not Required.) It shall not be necessary for any municipality proceeding under this Act to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other instrumentality of the state in order to acquire, construct, reconstruct, improve, better, or extend any project or for the issuance of bonds in connection therewith.

§ 7. Cost of Project; How Determined.) In determining the cost of a project, the governing body may include all cost and estimated cost of the issuance of the revenue bonds, all engineering, inspection, fiscal, and legal expense, and the interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this Act.

§ 8. Excess Revenues Not To Revert To General Fund of Municipality; Exception.) Any revenues of any and all projects in excess of the amount required to pay interest upon all bonds issued hereunder, to create a sinking fund to pay the principal of such bonds, when due, to provide for the operation, maintenance, insurance, taxes, and depreciation of such project, shall not revert to the general fund of the municipality. However, at such time as there shall be outstanding no revenue bonds issued by the municipality, any excess of revenues may be transferred to the general fund of the municipality in such

amounts and at such times as the governing body of the municipality may deem proper and feasible.

§ 9. Provisions Governing Revenue Bonds.) The resolution or ordinance authorizing the issuance of revenue bonds under this Act, or ordinance or resolution adopted subsequent to the adoption of the original resolution or ordinance, shall prescribe:

1. The rate or rates of interest, payable semi-annually, but not exceeding five percent per annum, which such bonds shall bear;
2. Whether the bonds shall be in one or more series;
3. The date or dates which such bonds shall bear;
4. The time or times, not exceeding forty years from their respective dates, when such bonds shall mature;
5. The medium in which such bonds shall be payable;
6. The place or places where such bonds shall be payable;
7. Whether or not such bonds shall carry registration privileges, and what such privileges, if any, shall be;
8. The terms of redemption, if any, to which such bonds shall be subject;
9. The manner in which such bonds shall be executed;
10. The terms, covenants, and conditions which such bonds shall contain; and
11. The form, either coupon or registered, in which such bonds shall be issued.

§ 10. Sale of Revenue Bonds; When Private Sale Authorized; Public Sale and Notice Thereof.) Revenue bonds shall be sold at not less than par plus any accrued interest. Such bonds may be sold at private sale to the United States of America, or any agency, instrumentality, or corporation thereof, or to the state of North Dakota, or agency or instrumentality thereof. Unless the bonds are sold to the United States of America, to an agency, instrumentality, or corporation thereof, to the state of North Dakota, or to an agency or instrumentality thereof, such bonds shall be sold at public sale after notice of such sale has been published once at least five days prior to such sale in a newspaper circulating in the municipality, and in at least two financial newspapers published in Chicago, Illinois, in New York, New York, in Minneapolis, Minnesota, or in San Francisco, California.

§ 11. Bonds and Receipts Or Certificates Issued Pending Preparation of Bonds; Negotiability.) Pending the preparation of the definitive bonds interim certificates or receipts, in such form and with such provisions as the governing body may determine, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be negotiable within the meaning of and for all purposes specified in the title Negotiable Instruments.

§ 12. Validity of Bonds; Regulations Governing.) Revenue bonds bearing the signatures of the appropriate officers who are in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. The validity of said bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the project for which said bonds are issued. The ordinance or resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, and such recital shall be conclusive evidence of their validity and of the regularity of their issuance.

§ 13. Bonds Exempt From Taxation; Exception.) Bonds issued under the provisions of this Act, and the income therefrom, shall be exempt from any taxes, except inheritance, estate, and transfer taxes.

§ 14. Covenants That May Be Inserted In Ordinance Or Resolution Authorizing Bonds.) Any ordinance or resolution authorizing the issuance of bonds under this Act to finance, in whole or in part, the acquisition, construction, reconstruction, improvement, betterment, or extension of any project may contain covenants, notwithstanding that such covenants may limit the exercise of powers conferred by this Act, as to:

1. The rents to be charged for the use of properties acquired, constructed, reconstructed, improved, bettered, or extended under the authority of this chapter;
2. The use and disposition of the revenues of said projects;
3. The creation and maintenance of sinking funds and the regulation, use and disposition thereof;
4. The creation and maintenance of funds to provide for maintaining the project and replacement of those properties which are subject to depreciation;
5. The purpose, or purposes, to which the proceeds of this sale of said bonds may be applied and the use and disposition of said proceeds;

6. The nature of mortgages or other encumbrances on the project made in favor of the holder or holders of such bonds, or a trustee therefor;
7. The events of default and the rights and liabilities arising thereon and the terms and conditions upon which the holders of bonds issued under this Act may bring any suit or action on said bonds or on any coupons thereof;
8. The issuance of other or additional bonds or instruments payable from or constituting a charge against the revenue of said project;
9. The insurance to be carried upon the project and the use and disposition of insurance moneys;
10. The keeping of books of account and the inspection and audit thereof;
11. The terms and conditions upon which any or all of the bonds shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived;
12. The rights, liabilities, powers, and duties arising upon the breach by the municipality of any covenants, conditions, or obligations;
13. The vesting in a trustee or trustees of the rights to enforce any covenants made to secure, to pay, or in relation, to the bonds; the powers and duties of such trustee or trustees, and the limitation of liabilities thereof;
14. The terms and conditions upon which the holder or holders of the bonds, or the holders of any proportion or percentage of them, may enforce any covenants made under this Act or any duties imposed thereby;
15. A procedure by which the terms of any ordinance or resolution authorizing bonds or of any other contract with bond-holders, including, but not limited to, an indenture of trust or similar instrument, may be amended or abrogated, and the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;
16. The subordination of the security of any bonds issued hereunder and the payment of principal and interest thereof, to the extent deemed feasible and desirable by the governing body, to other bonds or obligations of the municipality issued to finance the project or that may be outstanding when the bonds thus subordinated are issued and delivered.

Nothing in this section, or in any other section of this Act, shall authorize any municipality to do anything or for any purpose which would result in the creation or incurring of a debt or indebtedness or the issuance of any instrument which would constitute a bond or debt within the meaning of any provisions, limitation, or restriction of the Constitution relating to the creation or incurring of a debt or indebtedness or the issuance of an instrument constituting a bond or debt.

§ 15. Liability of Municipality For Bonds; Taxing Power Prohibited; Bond Not A Lien.) Revenue bonds issued under this Act shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, nor shall the municipality issuing the same be subject to any liability thereon. No holder or holders of any such bonds shall ever have the right to compel any exercise of the taxing power of the municipality to pay any such bonds or the interest thereon, nor to enforce payment thereon against any property of the municipality except those projects, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purpose of this Act. Such bonds shall not constitute a charge, lien nor encumbrance, legal or equitable, upon any property of the municipality, except those projects, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purposes of this Act.

Each bond under this Act shall recite in substance that the bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof, except that such bond may be secured by a mortgage or other encumbrance on the project, or portion thereof, as authorized in this Act, and that the bond does not constitute a debt of the municipality within the meaning of any constitutional or statutory limitation.

§ 16. Remedies of Bondholders In General.) Subject to any contractual limitations binding upon the holders of any issue of revenue bonds, or a trustee therefor, including but not limited to the restriction of the exercise of any remedy to a specified proportion or percentage of such holders, any holder of bonds, or any trustee therefor, for the equal benefit and protection of all bondholders similarly situated may:

1. By mandamus or other suit, action, or proceeding at law or in equity, enforce its rights against the municipality and its governing body and any of its officers, agents, and employees and may require and compel such municipality or such governing body or any such officers, agents, or employees to perform and carry out its and their duties and obligations under this Act and its and their covenants and agreements with bondholders;

2. By action or suit in equity, require the municipality and the governing body thereof to account as if they were the trustees of an express trust;
3. By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;
4. Bring suit upon the bonds;
5. Foreclose any mortgage or lien given under the authority of this Act, and cause the property standing as security to be sold under any proceedings permitted by law.

No right or remedy conferred by this Act upon any bondholder, or upon any trustee therefor, is intended to be exclusive of any other right or remedy, but each such right or remedy is cumulative and in addition to every other right or remedy and may be exercised without exhausting and without regard to any other remedy conferred by this Act, or by any other law in this state.

§ 17. Project Not Exempt From Taxation.) No project acquired by any municipality pursuant to the provisions of this Act shall be exempt from the imposition and collection of taxes thereon.

§ 18. Construction.) The powers conferred by this Act shall be in addition and supplemental to and not in substitution for, and the limitations imposed by this Act shall not affect the powers conferred by, any other law. Revenue bonds may be issued under this chapter without regard to any other provisions of the laws of this state. The project may be acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and bonds may be issued under this Act for said purposes, notwithstanding that any other law may provide for the acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like project or for the issuance of bonds for like purposes, and without regard to the requirements, restrictions, debt, or other limitations or other provisions contained in any other law, including but not limited to, any requirement for any restriction or limitation on the incurring of indebtedness or the issuance of bonds. Insofar as the provisions of this Act are inconsistent with any other law of this state, the provisions of this Act shall be controlling with reference to the issuance of revenue bonds and the security therefor.

§ 19. Savings Clause.) If any section, subdivision, sentence, or clause of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the Act.

Approved March 11, 1955.

CHAPTER 281

H. B. No. 774

(Baldwin)

REHABILITATION, CLEARANCE, AND REDEVELOPMENT OF
SLUMS AND BLIGHTED AREAS

AN ACT

To provide for the rehabilitation, clearance, and redevelopment of slums and blighted areas; to define the duties, liabilities, exemptions and powers of cities and towns in undertaking such activities, and declaring an emergency.

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

§ 1. Short Title.) This Act shall be known and may be cited as the "Urban Renewal Law".

§ 2. Findings and Declarations of Necessity.) It is hereby found and declared that there exist in municipalities of the state slum and blighted areas (as herein defined) which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities.

It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this Act, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this Act, be susceptible of conservation or rehabilitation in such a manner that the conditions

and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that to the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process.

It is further found and declared that the powers conferred by this Act are for public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

§ 3. Encouragement of Private Enterprise.) A municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this Act, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. A municipality shall give consideration to this objective in exercising its powers under this Act, including the formulation of a workable program, the approval of urban renewal plans (consistent with the general plan for the municipality), the adoption and enforcement of ordinances as provided for in section 18, the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

§ 4. Workable Program.) A municipality for the purposes of this Act may formulate a workable program for utilizing appropriate private and public resources (including those specified in section 18 hereof) to eliminate, and prevent the development or spread of, slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for: the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum areas or portions thereof.

§ 5. Finding of Necessity By Local Governing Body.) No municipality shall exercise any of the powers hereafter con-

ferred upon municipalities by this Act until after its local governing body shall have adopted a resolution finding that:

1. One or more slum or blighted areas exist in such municipality; and
2. The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

§ 6. Preparation and Approval of Urban Renewal Plans.)

1. A municipality shall not approve an urban renewal plan for an urban renewal area unless the governing body has, by resolution determined such area to be a slum area or a blighted area or a combination thereof and designated such area as appropriate for an urban renewal project. The local governing body shall not approve an urban renewal plan until a general plan for the municipality has been prepared. For this purpose and other municipal purposes, authority is hereby vested in every municipality to prepare, to adopt and to revise from time to time, a general plan for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor. A municipality shall not acquire real property for an urban renewal project unless the local governing body has approved the urban renewal plan in accordance with subsection 4 hereof.
2. The municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to a municipality. Prior to its approval of an urban renewal plan, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within said thirty days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal plan prescribed by subsection 3 hereof.

3. The local governing body shall hold a public hearing on an urban renewal plan or substantial modification of an approved urban renewal plan, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.
4. Following such hearing, the local governing body may approve an urban renewal plan if it finds that:
 - a. A feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;
 - b. The urban renewal plan conforms to the general plan of the municipality as a whole; and
 - c. The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area or a portion thereof consists of a blighted area of open land which is to be acquired by the municipality for slum clearance and redevelopment, such blighted area shall not be so acquired unless
 - (1) it is to be redeveloped for predominantly residential uses, and
 - (2) the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas (including other portions of the urban renewal area); that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the redevelopment of the area for predominantly residential uses is an integral part of and essential to the program of the municipality for the elimination of slum and blighted areas.

5. An urban renewal plan may be modified at any time: Provided, that if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest may be entitled to assert. Any proposed modification which will substantially change the urban renewal plan as previously approved by the local governing body shall be subject to the requirements of this section, including the requirement of a public hearing, before it may be approved.
6. Upon the approval of an urban renewal plan by the municipality the provisions of said plan with respect to the future use and building requirements applicable to the property covered by said plan shall be controlling with respect thereto.

§ 7. Powers.) Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

1. To undertake and carry out urban renewal projects within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this Act; and to disseminate slum clearance and urban renewal information.
2. To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.
3. Within its area of operation, to enter upon any building or property in any urban renewal area in order to make surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest,

devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this Act: Provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict a municipality or other public body exercising powers hereunder, in the exercise of such functions with respect to an urban renewal project, unless the legislature shall specifically so state.

4. To invest any urban renewal project funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to section 10 of this Act at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.
5. To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this Act, and to give such security as may be required and to enter into and carry out contracts in connection therewith. A municipality may include in any contract for financial assistance with the federal government for an urban renewal project such conditions imposed pursuant to federal law as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this Act.
6. Within its area of operation, to make or have made all plans necessary to the carrying out of the purposes of this Act and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans. Such plans may include, without limitation:
 - a. A general plan for the locality as a whole;
 - b. Urban renewal plans;

§ 8. Eminent Domain.)

1. A municipality shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project under this Act. A municipality may exercise the power of eminent domain in the manner provided in housing authorities law, and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner: Provided, that no real property belonging to the state, or any political subdivision thereof, may be acquired without its consent.
2. In any proceeding to fix or assess compensation for damages for the taking or damaging of property, or any interest therein, through the exercise of the power of eminent domain or condemnation, evidence or testimony bearing upon the following matters shall be admissible and shall be considered in fixing such compensation or damages, in addition to evidence or testimony otherwise admissible:
 - a. Any use, condition, occupancy, or operation of such property, which is unlawful or violative of, or subject to elimination, abatement, prohibition, or correction under, any law or in any ordinance or regulatory measure of the state, county, municipality, other political subdivision, or any agency thereof, in which such property is located, as being unsafe, substandard, insanitary or otherwise contrary to the public health, safety, or welfare;
 - b. The effect on the value of such property, of any such use, condition, occupancy, or operation, or of the elimination, abatement, prohibition, or correction of any such use, condition, occupancy, or operation;
3. The foregoing testimony and evidence shall be admissible notwithstanding that no action has been taken by any public body or public officer toward the abatement, prohibition, elimination or correction of any such use, condition, occupancy, or operation. Testimony or evidence that any public body or public officer charged with the duty or authority so to do has rendered, made or issued any judgment, decree, determination or order for the abatement, prohibition, elimination or correction of any such use, condition, occupancy, or operation shall

be admissible and shall be prima facie evidence of the existence and character of such use, condition or operation.

§ 9. Disposal of Property In Urban Renewal Area.)

1. A municipality may sell, lease or otherwise transfer real property or any interest therein acquired by it, and may enter into contracts with respect thereto, in an urban renewal area for residential, recreational, commercial, industrial or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants, running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this Act: Provided, that such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, a municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by a municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the

public interest consistent with the carrying out of the provisions of the urban renewal plan. The inclusions in any such contract or conveyance to a purchaser or lessee of any such covenants, restrictions, or conditions (including the incorporation by reference therein of the provisions of an urban renewal plan or any part thereof) shall not prevent the filing of such contract or conveyance in the land records of the register of deeds in such manner as to afford actual or constructive notice thereof.

2. A municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. A municipality may, by public notice by publication once each week for two consecutive weeks in a newspaper having a general circulation in the community prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this Act: Provided, that a notification of intention to accept such proposal shall be filed with the governing body not less than thirty days prior to any such acceptance. Thereafter, the municipality may execute such contract in accordance with the provisions of subsection 1 and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract.
3. A municipality may temporarily operate and maintain real property acquired in an urban renewal area pending the disposition of the property for redevelopment, without regard to the provisions of subsection 1 above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

§ 10. Issuance of Bonds.)

1. A municipality shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this Act, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban renewal projects, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this Act: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this Act, and by a mortgage of any of such urban renewal projects, or any part thereof, title to which is in the municipality.
2. Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this Act are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.
3. Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.
4. Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a

newspaper having a general circulation in the area of operation and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par: Provided, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

5. In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this Act shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this Act shall be fully negotiable.
6. In any suit, action or proceeding involving the validity or enforceability of any bond issued under this Act or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this Act.

§ 11. Bonds As Legal Investments.) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality pursuant to this Act or by any urban renewal agency or housing authority vested with urban renewal project powers under section 15 of this Act: Provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other

moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

§ 12. Property Exempt From Taxes and From Levy and Sale By Virtue of An Execution.)

1. All property of a municipality, including funds, owned or held by it for the purposes of this Act shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against a municipality be a charge or lien upon such property: Provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this Act by a municipality on its rents, fees, grants or revenues from urban renewal projects.
2. The property of a municipality, acquired or held for the purposes of this Act, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state or any political subdivision thereof: Provided, that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

§ 13. Cooperation By Public Bodies.)

1. For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:
 - a. dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses or other rights or privileges therein to a municipality;

- b. incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section;
 - c. do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan;
 - d. lend, grant or contribute funds to a municipality;
 - e. enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or other public body respecting action to be taken pursuant to any of the powers granted by this Act, including the furnishing of funds or other assistance in connection with an urban renewal project, and
 - f. cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places; plan or replan, zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality. If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, other than the municipality, which is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects (including any agency or instrumentality of the United States of America), the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the term "municipality" shall also include an urban renewal agency or a housing authority vested with all of the urban renewal project powers pursuant to the provisions of section 15.
2. Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.
 3. For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of an urban renewal agency or a housing authority hereunder, a municipality may (in addition to its other powers and upon such terms, with or without consideration, as it

may determine) do and perform any or all of the actions or things which, by the provisions of subsection 1 of this section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

4. For the purposes of this section, or for the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of a municipality, such municipality may (in addition to any authority to issue bonds pursuant to section 10) issue and sell its general obligation bonds. Any bonds issued by a municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality for public purposes generally.

§ 14. Title of Purchaser.) Any instrument executed by a municipality and purporting to convey any right, title or interest in any property under this Act shall be conclusively presumed to have been executed in compliance with the provisions of this Act insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

§ 15. Exercise of Powers In Carrying Out Urban Renewal Project.)

1. A municipality may itself exercise its urban renewal project powers as herein defined or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency created by section 16 or by the housing authority, if one exists or is subsequently established in the community. In the event the local governing body makes such determination, the urban renewal agency or the housing authority, as the case may be, shall be vested with all of the urban renewal project powers in the same manner as though all such powers were conferred on such agency or authority instead of the municipality. If the local governing body does not elect to make such determination, the municipality in its discretion may exercise its urban renewal project powers through a board or commissioner or through such officers of the municipality as the local governing body may by resolution determine.
2. As used in this section, the term "urban renewal project powers" shall include the rights, powers, functions and duties of a municipality under this Act, except the following: the power to determine an area to be a slum or blighted area or combination thereof and to designate

such area as appropriate for an urban renewal project; the power to approve and amend urban renewal plans and to hold any public hearings required with respect thereto; the power to establish a general plan for the locality as a whole; the power to formulate a workable program under section 4; the powers, duties and functions referred to in section 18 hereof; the power to make the determinations and findings provided for in section 3, section 5, and section 6 subsection 4; the power to issue general obligation bonds; and the power to appropriate funds, to levy taxes and assessments, and to exercise other powers provided for in section 7 subsection 8.

§ 16. Urban Renewal Agency.)

1. There is hereby created in each municipality a public body corporate and politic to be known as the "urban renewal agency" of the municipality: Provided, that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the finding prescribed in section 5 and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in section 15.
2. If the urban renewal agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of five commissioners. The term of office of each such commissioner shall be one year.
3. A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area

of operation of the agency (which shall be co-terminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this Act.

The mayor shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this Act shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the auditor or the village clerk, as the case may be, and in the office of the agency.

4. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least ten days prior to such hearing and have had an opportunity to be heard in person or by counsel.

§ 17. Interested Public Officials, Commissioners Or Employees.) No public official or employee of a municipality (or board or commission thereof), and no commissioner or employee of a housing authority or urban renewal agency which has been vested by a municipality with urban renewal project powers under section 15 shall voluntarily acquire any interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban renewal project, he shall immediately disclose this act in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official, commissioner or employee shall

not participate in any action by the municipality (or board or commission thereof), housing authority, or urban renewal agency affecting such property. Any disclosure required to be made by this section to the local governing body shall concurrently be made to a housing authority or urban renewal agency which has been vested with urban renewal project powers by the municipality pursuant to the provisions of section 15. No commissioner or other officer of any housing authority, urban renewal agency, board or commission exercising powers pursuant to this Act shall hold any other public office under the municipality other than his commissionership or office with respect to such housing authority, urban renewal agency, board of commission. Any violation of the provisions of this section shall constitute misconduct in office.

§ 18. Ordinances Relating To Repair, Closing and Demolition of Dwellings Unfit For Human Habitation.)

1. Whenever any municipality finds that there exist in such municipality dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions, including those set forth in subsection 3 hereof, rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of such municipality, power is hereby conferred upon such municipality to require or cause the repair, closing or demolition or removal of such dwellings in the manner herein provided. A "dwelling" shall mean any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any appurtenances belonging thereto or usually enjoyed therewith.
2. Upon the adoption of an ordinance finding that dwelling conditions of the character described in subsection 1 hereof exist within a municipality, the governing body of such municipality is hereby authorized to adopt ordinances relating to the dwellings within such municipality which are unfit for human habitation. Such ordinances shall include the following provisions:
 - a. That a public officer be designated or appointed to exercise the powers prescribed by the ordinances.
 - b. That whenever a petition is filed with the public officer or by at least five residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human

habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the public officer or his designated agent at a place therein fixed not less than ten days nor more than thirty days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

- c. That if, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which,
 - (1) if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality shall fix a certain percentage of such cost as being reasonable for such purpose), requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or
 - (2) if the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality shall fix a certain percentage of such cost as being reasonable for such purpose), requires the owner, within the time specified in the order, to remove or demolish such dwelling.
- d. That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered or improved, or to be vacated and closed.

- e. That, if the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.
 - f. That the amount of the cost of such repairs, alterations or improvements, or vacating the closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of his costs and necessary attorneys' fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property. If the dwelling is removed or demolished by the public officer he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the public officer after deducting the costs of such judicial proceedings, including his necessary attorneys' fees incurred therein, as determined by the court.
3. An ordinance adopted by a municipality pursuant to this section shall provide that the public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of such municipality, or which have a blighting influence on properties in the area. Such conditions may include the following, without limitation: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; overcrowding; inadequate ingress and egress; inadequate drainage; or any violation of health, fire, building or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of building and improvements. Such ordinance may provide additional standards to guide the public officer or his agents or employees in determining the fitness of a dwelling for human habitation.
 4. Complaints or orders issued by a public officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public offi-

cer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other *lis pendens* notices provided by law.

5. Any person affected by an order issued by the public officer may petition the district court for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; Provided, however, that within sixty days after the posting and service of the order of the public officer, such person shall petition such court. Hearings shall be had by the court on such petitions within twenty days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter a final order or decree in the proceeding. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of compliance by such person with any order of the public officer.
6. An ordinance adopted by the governing body of the municipality may authorize the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:
 - a. to investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
 - b. to administer oaths, affirmations, examine witnesses and receive evidence;

- c. to enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;
 - d. to appoint and fix the duties of such officers, agent and employees as he deems necessary to carry out the purposes of such ordinance; and
 - e. to delegate any of his functions and powers under such ordinance to such officers, agents and employees as he may designate.
7. The governing body of any municipality adopting an ordinance under this section shall as soon as possible thereafter prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in such municipality for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and administration of its ordinance or ordinances adopted under this section.
 8. Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.
 9. Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.
 10. The governing body of a city is hereby authorized to adopt ordinances prescribing minimum standards for the use and occupancy of dwellings throughout the city and to prevent the use or occupancy of any dwelling which is injurious to the public health, safety, morals or welfare.

§ 19. Definitions.) The following terms wherever used or referred to in this Act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

1. "Agency" or "Urban Renewal Agency" shall mean a public agency created by section 16 of this Act.

2. "Municipality" shall mean any incorporated city, town or village in the state.
3. "Public body" shall mean the state or any municipality, township, village, board, commission, authority, district, or any other subdivision or public body of the state.
4. "Local governing body" shall mean the city council, the board of city commissioners, the village board of trustees, or the board of township supervisors, as the case may be.
5. "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.
6. "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.
7. "Federal Government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
8. "Slum area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.
9. "Blighted area" shall mean an area (other than a slum area) which by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes

an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use: Provided, that if such blighted area consists of open or predominantly open land the conditions contained in the proviso in section 6 subsection 4 shall apply.

10. "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.
11. "Slum clearance and redevelopment" may include
 - a. acquisition of a slum area or a blighted area or a blighted area or portion thereof;
 - b. demolition and removal of buildings and improvements;
 - c. installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this Act in accordance with the urban renewal plan; and
 - d. making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) as its fair value for uses in accordance with the urban renewal plan.
12. "Rehabilitation" or "conservation" may include the restoration and renewal of a slum or blighted area or portion thereof, in accordance with an urban renewal plan, by
 - a. carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;
 - b. acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate, unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

- c. installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this Act; and
 - d. the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.
13. "Urban renewal area" means a slum area or a blighted area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.
14. "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan
- a. shall conform to the general plan for the municipality as a whole; and
 - b. shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
15. "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.
16. "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.
17. "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

18. "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.
19. "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution shall have been adopted by the governing body of such other city or town declaring a need therefor.
20. "Housing authority" shall mean a housing authority created by and established pursuant to the housing authorities law.
21. "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.
22. "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

§ 20. Separability; Act Controlling.) Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

§ 21. 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, 1955.

OCCUPATIONS AND PROFESSIONS

CHAPTER 282

S. B. No. 175

(Kieley, Welander, Kusler and Sayer)

LICENSING AND REGULATION OF ELECTRICIANS

AN ACT

To amend and reenact sections 43-0909, 43-0910 and 43-0919 of the North Dakota Revised Code of 1943 and sections 43-0901, 43-0902, 43-0911, 43-0913, 43-0914 and 43-0920 of the 1953 Supplement thereto, relating to electricians.

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

§ 1. Amendment.) Section 43-0901 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0901. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. "Master electrician" shall mean a person having the necessary qualifications, training, experience, and technical knowledge to plan, lay out, and supervise the installation and repair of electrical wiring apparatus, and equipment for electric light, heat, and power in accordance with the standard rules and regulations governing such work;
2. "Journeyman electrician" shall mean a person having the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work;
3. "Class B electrician" shall mean a person having the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work, and shall have eighteen months actual experience in farmstead wiring, and shall have passed an examination before the state electrical board based upon the national R.E.A. electrical wiring code as it applies to farmstead wiring;
4. "Board" shall mean the state electrical board.

§ 2. **Amendment.)** Section 43-0902 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

43-0902. State Electrical Board: Members: Terms of Office: Vacancies.) The state electrical board shall consist of five members appointed by the governor for a term of five years with their terms of office so arranged that one term and only one term shall expire on June thirtieth of each year. One member of the board shall be a farmer. One member of the board shall be selected from three names submitted by each of the following groups: consumer members of rural electric cooperatives, master licensed electricians, licensed journeyman electricians, bona fide linemen, presently working as such, employed by electric utilities. A member of the board shall qualify by taking the oath of office required of civil officers and shall hold his office until his successor is appointed and qualified. The governor shall fill any vacancy by appointment for the unexpired term of office.

§ 3. **Amendment.)** Section 43-0909 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0909. License Required: Examination; Board To Issue License.) Every person, partnership, company, corporation, or association that undertakes or offers to undertake with another to plan, lay out, supervise, install, make additions, make alterations, or make repairs, in the installation of wiring, apparatus, or equipment for electric light, heat, or power, shall apply to the board for a license. The board shall examine the applicant and if, upon a technical and practical examination, he is found to possess the required knowledge and skill and to be versed in the laws of electricity, he shall be issued a license in the class for which he was examined. The license shall be signed by the president and the secretary of the board and attested by the seal of the board. Each licensee or permit holder shall report his licensing or renewals to the electrical inspector, if there is one, in the municipality in which he operates.

§ 4. **Amendment.)** Section 43-0910 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0910. Licenses: Types of.) The classes of electricians who may be licensed under section 43-0909 shall be:

1. Master electrician;
2. Journeyman electrician;
3. Class B electrician.

§ 5. Amendment.) Section 43-0911 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

43-0911. Qualifications As To Experience.) An applicant for an electrician's license shall have the following experience:

1. Master electrician, one year's experience as a licensed journeyman electrician;
2. Journeyman electrician, three years' experience in installing and repairing electrical wiring, apparatus, and equipment;
3. Class B electrician, eighteen months' experience in farmstead wiring;

§ 6. Amendment.) Section 43-0913 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0913. License Fees.) The following shall be the examination and annual license fees required to be paid for an electrician's license:

1. Master electrician: examination fee, twenty-five dollars, annual license fee twenty-five dollars;
2. Journeyman electrician: examination fee, ten dollars, annual license fee, ten dollars;
3. Class B electrician: examination fee, ten dollars, annual license fee, ten dollars;

§ 7. Amendment.) Section 43-0914 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0914. Master Electrician and Class B Electrician: Bond.) Before receiving a license as a master electrician or as a class B electrician, an applicant shall execute and deposit with the board a surety bond in the sum of two thousand dollars for a master electrician or one thousand dollars for a class B electrician conditioned for the faithful performance of all electrical work undertaken by him and the strict compliance with all the provisions of this chapter and the requirements of the board. In cities requiring a bond by virtue of a city ordinance, such bond shall not be superseded by the bond required by this section.

§ 8. Amendment.) Section 43-0919 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0919. Report of Work Done By Licensee.) Every person licensed under the provisions of this chapter and doing electrical work shall report the same to the secretary of the board upon blanks furnished by the board for that purpose.

§ 9. Amendment.) Section 43-0920 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0920. Contract For Installation of Electrical Wiring and Installation of Electrical Equipment Made With Master Electrician.) No contract, agreement, or undertaking with another for the installation of electrical wiring or the installation of electrical parts of other apparatus shall be entered into by anyone not a master electrician. Provided, however, that a class B electrician, as herein defined, is authorized to enter into a contract, undertaking or agreement for the installation of farmstead electrical wiring or residential electrical wiring in one or two family dwellings located in municipalities of two thousand five hundred or less population, and his authority under the contract, undertaking or agreement is limited to the actual installation by him of farmstead electrical wiring or residential electrical wiring in one or two family dwellings located in municipalities of two thousand five hundred or less population, and the installation of electrical equipment, appliances and apparatus used on farmsteads and such residences.

Approved March 9, 1955.

CHAPTER 283

H. B. No. 661

(Haugland, Solberg, Nygaard, Saumur and Schuler)

SCHOLARSHIPS FOR NURSES

AN ACT

To provide for nurse preparation scholarships for qualified residents of North Dakota who express an intent to prepare for nursing; designating the state board to administer the provisions of this Act; and making an appropriation.

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 board" shall mean the North Dakota state board of nursing education and nurse licensure and advisory committee hereinafter provided for;

2. "Student nurse" is a young man or woman who has met all the requirements for enrollment in an approved school of nursing;
3. "Practical nurse student" shall mean one who has met all the requirements for enrollment in an approved course for practical nursing;
4. "Professional graduate nurse" shall mean one who has met all the legal requirements for licensure in this state and has been registered by the state board, who practices or holds a position by virtue of her professional knowledge and legal status, and who holds a certificate of licensure from the state board for the current year.

§ 2. Advisory Committee.) There shall be an advisory committee composed of three members, to be designated by the North Dakota nurse enrollment committee. This advisory committee shall assist the state board in awarding scholarships.

§ 3. Duties Of The State Board.)

1. The state board may grant scholarships to students attending a school of nursing in accordance with the laws pertaining to registration of nurses; to licensing of practical nurses; and to professional graduate nurses meeting requirements for advanced study.
2. Make rules and regulations and establish standards, requirements and procedure in administering this Act so as to encourage young men and women to enter the nursing profession.

§ 4. Qualifications Of Candidates.) A person shall not be selected as a candidate for a scholarship unless such applicant be at least eighteen years of age. In selecting candidates for scholarships, consideration shall be given to:

1. Adaptability to nursing,
2. Health,
3. Character,
4. Personal-social characteristics,
5. Record of level of achievement, and
6. Capacity and willingness upon graduation to nurse in a hospital or institution in North Dakota for one year.

§ 5. Use Of Scholarship.) These scholarships shall be used, first, to pay the tuition and other institutional fees and expenses of the recipient incidental to such nursing education; second, to defray the cost of books and equipment needed by the recipient in pursuit of studies and, third, for partial sub-

sistence of the recipient through facilities operated by the school or college. Scholarships shall be awarded only to students enrolled in an accredited school of nursing; to students enrolled in an approved course for practical nurses; and to professional graduate nurses enrolled in a college or university. Any facilities of the school designed to aid in securing part-time employment for students, to help defray costs of their education shall be made available to a recipient of a scholarship on an equal basis with other students enrolled. Scholarship holders may not continue to hold the scholarship unless they maintain a satisfactory grade average as set by the state board.

§ 6. Scholarship Payments: Notes Required; Conditions; Scholarship Continued.)

1. No student nurse shall receive a scholarship of more than five hundred dollars. Three-fifths of the scholarship shall be available to the student in the first year of the course, and the remainder thereof shall be divided equally between the two remaining years of the course.
2. The practical nurse scholarship shall not exceed one hundred fifty dollars and shall be available to the student upon enrollment in the course.
3. The fund shall provide for scholarships for professional graduate nurses desiring to take advanced courses in nursing education which further qualifies applicant for a position or leads to a baccalaureate or higher degrees. After one year of such advanced study the recipient shall be required to return to North Dakota for a position to be held for at least one year. The professional graduate nurse shall receive a scholarship not to exceed one thousand two hundred fifty dollars for advanced study in a college or university which may lead to a degree. The scholarship shall be allotted according to rules and regulations adopted by the state board.
4. Each scholarship recipient shall sign and execute notes to the state treasurer, endorsed by a responsible adult for the amount of such scholarship. The state 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 school or college in which the recipient is enrolled.
5. The notes of scholarship recipients shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest upon demand.

§ 7. Collection And Cancellation.)

1. A rate of six percent per annum will be charged on any portion of the scholarship not repaid upon demand of the state board.
2. If any nurse student scholarship recipient, before the notes provided in this Act have been called for payment, has satisfactorily completed the required basic course in nursing and has satisfactorily completed a full year of nursing in North Dakota the notes and accrued interest shall be canceled.
3. For the practical nurse student scholarship recipient the note shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest at the expiration of the two year period. Upon the fulfillment of the requirements herein set forth the note and accrued interest shall be canceled.
4. The note of the professional graduate nurse shall bear interest at the rate of three percent per annum. Upon the fulfillment of the requirements herein set forth the note with accrued interest shall be canceled.
5. Upon satisfactory proof of the requirements herein set forth, the board shall notify the state treasurer to cancel the notes.

Whenever less than a full year of nursing has been completed the notes may be canceled in the order of execution corresponding with the months of nursing which are completed. In the event of death or total disability of the recipient the notes and accrued interest shall be canceled.

§ 8. Appropriation.) There is hereby appropriated out of the equalization fund the sum of twenty-six thousand dollars or whatever portion may be necessary for the purpose of paying nursing preparation scholarships in an amount not to exceed twenty-five thousand dollars; for the administration of this Act not to exceed one thousand dollars.

Approved March 10, 1955.

CHAPTER 284

H. B. No. 688
(Poling and Gefreh)

REGULATION OF OPTOMETRISTS

AN ACT

To amend and reenact sections 43-1301, 43-1307, 43-1308, 43-1317 and 43-1320 relating to Optometrists.

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

§ 1. Amendment.) Section 43-1301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1301. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. Optometry shall be defined as a profession whose practitioners are engaged in the refraction of the human eye and the examination thereof, together with its appendages, without the use of drugs, medicines or surgery; by using such objective or subjective techniques as are necessary to enable recognition of disease for medical referral; and to determine and interpret any visual, muscular, neurological or anatomical anomaly of the eye, which may be aided, relieved or corrected through visual training procedures or through the use of lenses, prisms, filters, or combination thereof held either in contact with the eye, or in frames or mountings. Any person so engaged in visual training procedures or who employs or prescribes lenses, prisms, filters, or combinations thereof held either in contact with the eye, or in frames or mountings, to aid, relieve or correct any visual anomaly, or holds himself out as being able to do so, shall be deemed to be engaged in the practice of optometry and must have a certificate of registration, as herein provided by this Act.
2. The word "board" shall mean the North Dakota state board of optometry;

§ 2. Amendment.) Section 43-1307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1307. Compensation and Expenses of Members of Board.) Each member of the board shall receive ten dollars

as compensation for each day he actually is engaged in performing the duties of his office, and such mileage and travel expenses as are provided for in section 54-0609, and additional allowance for other necessary expenses incurred in attending said meeting not to exceed five dollars per day. Moneys collected for the board under the provisions of this chapter shall be kept by the secretary and disbursed only on warrants signed by the president and the secretary. At the end of his term, the secretary shall account to his successor for any money remaining in his hands.

§ 3. Amendment.) Section 43-1308 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

43-1308. Secretary of Board: Compensation.) The secretary of the board shall receive for clerical expenses and services such compensation and allowance as the board may deem just and proper, not to exceed two dollars for each certificate or license issued or renewed.

§ 4. Amendment.) Section 43-1317 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1317. Application For Examination: Contents: Educational Requirements: Fee For Examination.) Any person desiring to take the examination for a certificate of registration to practice optometry in this state shall file with the secretary of the board, at least five days before the date of the examination, a written application for examination. The application shall be accompanied by the affidavits of two freeholders of this state to the effect that the applicant is of good moral character. The applicant also shall furnish satisfactory proof that he:

1. Is at least twenty-one years of age;
2. Has attended high school for four years or has the equivalent of such an education;
3. Is a graduate of an optometry school or college of good standing, requiring an attendance of not less than two thousand hours or a two years' course, or that he has the equivalent of such an education.

Before beginning the examination, the applicant shall pay to the secretary of the board the sum of twenty dollars.

§ 5. Amendment.) Section 43-1320 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1320. Term of Certificate: Renewal: Annual License Fee.) A certificate of registration to practice optometry in the state shall be issued for one year only but may be renewed by paying to the secretary of the board, during the month of January of each year, the sum of fifteen dollars as a license fee for the succeeding year. Failure by any person to pay the annual license fee shall constitute a revocation of its certificate of registration, effective from and after February first of the year in which the annual license fee becomes due and payable. The certificate of registration may be reinstated by the board upon the payment by the person in default of an additional sum of fifteen dollars and upon the performance of such other reasonable conditions as the board may impose.

Approved March 11, 1955.

CHAPTER 285

S. B. No. 171

(Kieley, Welander, Kusler and Sayer)

RECIPROCITY FOR LICENSED NONRESIDENT ELECTRICIANS

AN ACT

To provide for reciprocity for licensed electricians.

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

§ 1. License To Nonresidents: Reciprocity.) To the extent that other states which provide for the licensing of electricians provide for similar action, the state electrical board may grant licenses of the same grade or class to electricians licensed by other states, upon payment by the applicant of the required fee, after being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in North Dakota.

Approved March 3, 1955.

OFFICES AND OFFICERS

CHAPTER 286

S. B. No. 96
(Duffy)

NOTARY PUBLIC RESIDENCE CHANGE; REPEAL

AN ACT

Repealing section 44-0610 of the North Dakota Revised Code of 1943, to remove the prohibition upon a notary public acting officially where he changes county residence.

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

§ 1. Repeal.) Section 44-0610 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 2, 1955.

CHAPTER 287

S. B. No. 105
(Knudson)

NOTARY PUBLIC—ENDORSEMENT; PRINTED NAME

AN ACT

To amend and reenact section 44-0612 of the North Dakota Revised Code of 1943, relating to endorsements and matters following notary public's signature to jurat or certificate of acknowledgment.

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

§ 1. Amendment.) Section 44-0612 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

44-0612. Notary Public Commission; Date of Expiration.) Every notary public taking an acknowledgment to any instrument, immediately following his signature to the jurat or certificates of acknowledgment, shall legibly print, stamp, or type his name and shall endorse the date of the expiration of such commission. Such endorsement may be written legibly, stamped, or printed upon the instrument but must be disconnected from the seal, and shall be substantially in the following form:

My commission expires....., 19.....

Approved March 5, 1955.

PRINTING LAWS

CHAPTER 288

H. B. No. 804

(Fristad, Link, Hofstrand, Knudson of)
(Morton and Wolf)

PUBLIC PRINTING; FRANKLIN CATALOGUE COST AND PRICE

AN ACT

Providing for and establishing the maximum cost and price for public printing furnished to political subdivisions.

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

§ 1.) The cost and price of printing as provided for in the Franklin printing catalogue shall be the maximum charged and paid for public printing, including binding, blank book manufacturing, and the furnishing of blanks and printed forms and stationery, furnished to the political subdivisions of the state. All jobs, orders, and contracts for such public printing shall be let by the officer, board, or agency charged with the obtaining of such printing according to law at a cost and price not in excess of the cost and price so determined and any charge, bill, or demand for such public printing shall be void and unenforceable to the extent such cost and price is exceeded.

§ 2.) The provisions of this Act shall not apply to any contract entered into prior to the effective date of this Act.

Approved March 10, 1955.

CHAPTER 289

H. B. No. 817
(Brooks)

STATE LAWS DISTRIBUTION; COMMISSIONERS ON
UNIFORM STATE LAWS

AN ACT

Creating and enacting subsection 4 of section 46-0410 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to distribution of copies of state law to the national conference of commissioners on uniform state laws.

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

§ 1. Amendment.) Section 46-0410 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended by creating subsection 4 thereto, which is enacted to read as follows:

4. To provide copies as needed to the national conference of commissioners on uniform state laws.

Approved March 1, 1955.

PROPERTY

CHAPTER 290

S. B. No. 100
(Duffy)

RELEASE OF OIL AND MINERAL LEASES

AN ACT

To amend and reenact section 1 of chapter 277 of the North Dakota session laws of 1953, being section 47-1636 of the 1953 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.)** Section 1 of chapter 277 of the North Dakota Session Laws of 1953, being section 47-1636 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

47-1636. Duty Of Lessee To Have Terminated Or Forfeited Lease Released; Publication Notice: Affidavit To Be Recorded: Notice To Real Property Owner; Remedies.) When any oil, gas or other mineral lease heretofore or hereafter given on real property 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 fifteen days after the date of the termination or forfeiture of any such 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 real property 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 real property may serve upon said lessee, his successors or assigns of record, in person or by registered letter, at his last known address, or if the post office address is not shown of record then by publication for three consecutive weeks in a newspaper of general circulation in the county where the real property 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 real property 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 real property is situated an affidavit setting forth, that
 the affiant is the owner of said real property, 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 such twenty days after
 service, give notice in writing to the register of deeds of the
 county where said real property 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 real property of the
 action of the lessee, his successors or assigns, and the owner
 of the real property 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. 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, 1955.

CHAPTER 291

S. B. No. 217
(Judiciary Committee)

HOMESTEAD; CONVEYANCE IN CASE OF INSANITY

AN ACT

To amend and reenact section 47-1822 of the North Dakota Revised Code of 1943, relating to the conveyance of homesteads in case of insanity.

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

§ 1. **Amendment.**) Section 47-1822 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

47-1822. Conveyance In Case of Insanity.) If either the husband or wife of the owner of a homestead shall become insane, the county court of the county in which the homestead is situated may make an order, upon application of such owner, or if said owner is deceased, the administrator or executor or legal representative of said owner, and upon due proof of such insanity, permitting the owner, or if said owner is deceased, the administrator or executor or legal representative of said owner, to sell and convey or mortgage the homestead.

Approved March 2, 1955.

PUBLIC BUILDINGS

CHAPTER 292

S. B. No. 152
(Johnson of Cass, Rue and Hagen)

CONTRACTORS BONDS; TAX PAYMENT

AN ACT

Relating to contractors bonds and providing for payment of all taxes due the State of North Dakota or its subdivisions.

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

§ 1. Provision Relating To Taxes In Contractors Bonds.) There shall be inserted in every bond given by a contractor doing work for the state of North Dakota or for any political subdivision thereof, in addition to the general provisions and requirements of other statutes, a further provision that said contractor will pay or cause to be paid all sales and use taxes payable as a result of the performance of the contract for which the bond is given, as well as the payment of gasoline and special motor fuels taxes used in the performance of the contract for which the bond is given, and all motor vehicle fees required for commercial motor vehicles used in connection with the performance of such a contract.

§ 2. Surety Not To Be Released Until Taxes Paid.) No surety on any contractor's bond issued in compliance with any of the laws of this state shall be released or discharged from such bond until the principal has paid or caused to be paid the taxes and fees mentioned and described in section 1 of this Act.

Approved March 5, 1955.

CHAPTER 293

S. B. No. 183

(O'Brien, Livingston and Kieley)

IMPROVEMENTS OR CONSTRUCTION; BIDS; ARCHITECT

AN ACT

To amend and re-enact section 48-0202 of the North Dakota Revised Code of 1943, relating to altering, repairing or constructing public buildings involving more than three thousand dollars, procuring plans, drawings and specifications therefor from a licensed architect.

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

§ 1. Amendment.) Section 48-0202 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

48-0202. Building And Repair By Contract: Prerequisite To.) In altering, repairing, or constructing any building belonging or appertaining to any of the public institutions of the state, or to any county, city, park district, village, school district, or other political subdivision of the state, or in making any improvements connected therewith or pertaining thereto, or in doing any work thereon amounting to more than three thousand dollars, the governing body of such public institution, or of such municipality or political subdivision, shall procure such plans, drawings, and specifications thereof, upon competitive bids or otherwise as such board may deem necessary. In all cases where expedient such plans, drawings, and specifications shall be procured from a licensed architect.

Approved March 10, 1955.

CHAPTER 294

S. B. No. 149
(Johnson (Cass))

NATIVE NATURAL RESOURCES; BIDS—REPEAL

AN ACT

To repeal section 48-0210 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to materials found, produced, or manufactured in this state from native natural resources.

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

§ 1.) Section 48-0210 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 3, 1955.

CHAPTER 295

S. B. No. 150
(Johnson of Cass)

PREFERENCE OF MATERIALS PRODUCED IN STATE FOR
PUBLIC BUILDINGS

AN ACT

To provide that all material produced in the state be given preference for use in public buildings.

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

§ 1. **Material Produced In State Given Preference For Use In Public Buildings.)** All boards or commissions purchasing material for use in making alterations, repairs, or additions, or in erecting new buildings, and all contractors making such alterations, repairs or additions, or erecting new buildings or improvements therewith or pertaining thereto, always, price and quality being equal or better shall purchase materials manufactured or produced within this state and, next, shall purchase such as have been manufactured or produced in part in North Dakota.

Approved March 3, 1955.

CHAPTER 296

H. B. No. 627

(Larson and Thompson of Burleigh)

VACATING OF CAPITOL PARK PLAT

AN ACT

To vacate the plat of Capitol Park platted by the capitol commission by virtue of the provisions of chapter 104, laws of Dakota Territory for 1883, said plat being a plat of the present capitol grounds, providing for a limitation of time for all claimants to object to such vacation and providing for the repeal of any Act or part of any Act in conflict herewith.

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

§ 1. Declaration of Legislative Intent.) Whereas the tract known as Capitol Park was platted by plat recorded in the office of the register of deeds of Burleigh County, Dakota Territory, on September 19, 1883; and

Whereas, many lots were sold but no homes were ever erected, and the platted streets and alleys were never opened for travel by the public, excepting the streets, avenues and highways known as "Hill Street", otherwise known as "Divide Avenue", "The Boulevard" and "U.S. Highway 83" as described herein; and

Whereas, the original capitol building was burned and new buildings have been erected; and

Whereas, it is deemed proper that no private buildings be hereafter erected on the tract constituting the present capitol ground, and no necessity now exists for the further existence of such plat, it is the will of the legislature that said plat be now vacated.

§ 2. Vacation of Plat.) The plat of the tract known as Capitol Park, being the tract purchased and platted by the capitol commission created by chapter 104, laws of the territory of Dakota for 1883, which said tract of land is situated in the north one-half of section thirty-three, township one hundred thirty-nine, north, range eighty, bounded and described as commencing at the quarter corner between sections twenty-eight and thirty-three, thence 546 feet west following the section line between said sections, thence south 2,571.75 feet to a point 33 feet north of the northwest corner of block ninety in McKenzie and Coffin's addition to the city of Bismarck, thence east 2,584.40 feet to a point thirty-three feet

north of the northeast corner of block ninety-six of said McKenzie and Coffin's addition, thence 2,607.89 feet north to the section line, thence 2,037 feet west, following the section line to the point of beginning, be and the same is vacated in toto excepting from the operation and effect of this Act any and all rights in and to the following described streets, avenues and highways:

A strip of land situated in the north one-half of section thirty-three, township one hundred and thirty-nine north, range eighty, bounded and described as commencing at the quarter corner between sections twenty-eight and thirty-three; thence west 546 feet following the section line between said sections; thence south 40 feet; thence east 2583 feet, parallel to the section line between said sections; thence north 40 feet; thence west 2037 feet following the section line between said sections to the point of beginning. Said strip of land being the north forty feet of Capitol Park in the city of Bismarck, North Dakota, known as "Hill Street", otherwise known as "Divide Avenue" in the above named addition. A strip of land situated in the north one-half of section thirty-three, township one hundred and thirty-nine north, range eighty bounded and described as commencing at a point 33 feet north of the northwest corner of block ninety in McKenzie and Coffin's addition to the city of Bismarck; thence east 2584.40 feet to a point 33 feet north of the northeast corner of block ninety-six in McKenzie and Coffin's addition to the city of Bismarck; thence north 100 feet; thence west 2584.40 feet; thence south 100 feet to the point of beginning. Said strip of land being the south one hundred feet of Capitol Park in the city of Bismarck, North Dakota, also known as "The Boulevard" in the above named addition.

A strip of land situated in the northeast quarter of section thirty-three, township one hundred and thirty-nine north, range eighty, said strip being 150 feet wide, lying 75 feet on each side of the following described centerline; beginning at a point 40 feet north of the northwest corner of lot 32, block 95, of McKenzie and Coffin's addition to the city of Bismarck, said point being on the centerline of the state highway as surveyed and staked over and across said Capitol Park addition to Bismarck. Thence running south 89 degrees 43 minutes east 42.2 feet; thence along a 19 degree tangential curve to the left 473.2 feet; then north 0 degrees 23 minutes east 850.5 feet, thence along a 6 degree tangential curve to the right 481.7 feet, then north 29 degrees 17 minutes east 459.0 feet more or less to the east boundary of said Capitol Park addition, known as "U. S. Highway 83."

§ 3. Limitation of Time To Object.) Any person who owns or claims to own any lot or lots described upon said plat, who objects to such vacation shall take such legal steps as he may think proper within one year after the effective date of this Act.

§ 4. Repeal.) Any act or part of act in conflict herewith is hereby repealed.

Approved March 8, 1955.

PUBLIC UTILITIES

CHAPTER 297

S. B. No. 115
(Committee on Labor Relations)

RAILROAD EMPLOYEES; SHELTER AND SANITATION

AN ACT

To provide for rules affecting sanitation and shelter for railroad employees.

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

§ 1.) The public service commission, upon complaint of the recognized bargaining agent of the affected employees, is hereby authorized to make, and enforce reasonable rules and regulations relating to sanitation and adequate shelter, as affecting railroad trainmen, enginemen, yardmen, maintenance of way employees, highway crossing watchmen, clerical, platform, freight house and express employees.

Approved March 4, 1955.

PUBLIC WELFARE

CHAPTER 298

S. B. No. 240
(Day, O'Brien and Welander)

COUNTY SHARE OF OLD AGE ASSISTANCE

AN ACT

Relating to old age assistance and amending and reenacting section 50-0723 of the North Dakota Revised Code of 1943.

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

§ 1. **Amendment.)** Section 50-0723 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0723. County Share Of Old Age Assistance.) Each county in this state shall reimburse the state agency for ten percent of the amount expended for old age assistance in such county in excess of the amount provided by the federal government for old age assistance payments.

Approved March 12, 1955.

CHAPTER 299

H. B. No. 656
(Dunlop, Langseth and Laske)

BURIAL COSTS; PRIVATE CONTRIBUTION

AN ACT

Allowing the participation of friends or relatives in the costs of burial of county welfare cases.

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

§ 1.) The provisions of sections 23-0603 and 50-0734 of the North Dakota Revised Code of 1943, as amended, shall not be construed as prohibiting friends or relatives from participating in the costs of burial of county welfare burial cases nor shall such participation be grounds for a reduction in the statutory allowances for burial costs of such persons.

Approved March 11, 1955.

CHAPTER 300

H. B. No. 681

(Brooks, Haugland, Heimes and Simonson)

AID TO DEPENDENT CHILDREN, UNMARRIED MOTHERS;
COUNTY SHARE

AN ACT

To amend and reenact sections 50-0921 and 50-0922 of the North Dakota Revised Code of 1943, relating to payments of assistance to unmarried mothers or to the dependent children of unmarried mothers.

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

§ 1. **Amendment.)** Section 50-0921 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0921. Amount County Liable for: Reimbursement by County.) Each county shall reimburse the state agency, upon claim being made therefor by the state agency, for one-half of the amount expended for aid to dependent children in such county, in excess of the amount provided by the federal government for assistance payments to dependent children.

§ 2. **Amendment.)** Section 50-0922 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0922. Procedure For Reimbursement.) The state agency shall keep records and accounts in relation to the expenditures for aid to dependent children in each county in North Dakota. Claims for reimbursements under the provision of section 50-0921 shall be presented by the state agency to the board of county commissioners at the end of each calendar month. The state agency shall certify to each county the total amount paid with respect to aid to dependent children eligible for aid from that county, and the county's share of such payments. The amount so certified shall be paid to the state agency by the county treasurer upon the audit and approval of the claim in the manner provided by law. Nothing contained herein shall prevent the state agency, in cases where assistance is granted to, or on the behalf of unmarried mothers or the dependent children of unmarried mothers, from electing to assume the payment thereof without reporting the same to the board of county commissioners upon a claim for reimbursement: an election by the state agency to assume such payments without reporting the same to the counties shall relieve the counties of any liability as to such payments, but shall in no manner affect the liability of the counties as to any claim duly reported by the state agency for reimbursement.

Approved February 24, 1955.

SALES AND EXCHANGE

CHAPTER 301

H. B. No. 638
(Nygaard, Paulson, Bye)

LICENSING AND REGULATION OF TRANSIENT MERCHANTS

AN ACT

Relating to licensing and regulation of transient merchants doing business by auction or otherwise, and repealing chapter 51-04 of the North Dakota Revised Code of 1943 and sections 51-0401 and 51-0402 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. "Transient merchant" includes any person, individual, copartnership, or corporation, either as principal or agent, who engages in, does, or transacts any temporary or transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise, who does not intend to become and does not become a permanent merchant of such place, and who, for the purpose of carrying on such business, hires, leases, occupies, or uses a building, structure, lot, tract, railroad car, or motor vehicle for the exhibition and sale of such goods, wares, and merchandise.
2. "Merchandise" shall not include any livestock or agricultural product.

§ 2. Application For License.) Any transient merchant desiring to engage in, do, or transact business by auction or otherwise, in any county in this state, shall file an application for a license for that purpose with the auditor of that county which shall be in writing and include the following:

1. Applicant's name, present residence, present home address, and present business address;
2. Applicant's residence and business address for the prior two year period, if different from the present residence and address;

3. Type of business in which applicant has been engaged in the previous two years;
4. Proposed location of the business to be licensed;
5. Kind of business to be conducted;
6. Length of time desired or estimated for completion of sale in the county;
7. Name and address of the auctioneer, if any, who will conduct the sale; and
8. An itemized list of merchandise to be offered for sale reciting as to each item a description thereof including serial number, if any, the owner's actual cost thereof, and a designation by number corresponding with a number to be affixed to each item by a tag which shall be kept fastened to the item at all times until sold.

§ 3. License Fee, Bond, Issuance.) An applicant for a transient merchant's license shall pay to the treasurer of the county of application a license fee of one hundred fifty dollars, any personal property taxes payable by him pursuant to statute, and shall give a surety bond to the county in an amount to be determined by the county treasurer which shall be not less than one thousand dollars nor more than three thousand dollars, the surety on which shall be a surety company authorized to transact business in the state of North Dakota. The contents and surety therein shall be subject to the approval of the county treasurer, and be conditioned that the applicant will in all things conform to the laws relating to transient merchants and further conditioned upon full compliance with all material oral or written statements and representations made by the applicant, his agents, representatives, or auctioneers with reference to merchandise sold or offered for sale, and on faithful performance under all warranties made with reference thereto. The bond shall not be revocable nor terminate prior to passage of two years' time after the expiration of the license issued pursuant thereto nor until due notice that the terms of the bond are to be canceled has been given to the county auditor.

The county treasurer shall issue to the applicant receipts for the foregoing payments and when the applicant files these receipts, and his application, with the county auditor, the auditor may issue to the applicant a transient merchant's license to do business as such at the place described in the application, and the kind of business to be done shall be described therein.

No license shall be valid for more than one person unless he shall be a bona fide member of a copartnership, nor for

more than one place, and shall not be valid outside the county for which it is issued. The license shall expire after one year from date of issuance.

No sale under the purview of this chapter shall be conducted in the name of any person other than the bona fide owner of the goods, wares, and merchandise.

The files and records of the county treasurer and auditor pertaining to transient merchants shall be kept in convenient form and open for public inspection.

§ 4. Affidavit Required For Certain Sales.) It shall be unlawful for any transient merchant to advertise, represent, or hold forth as being sold for an insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, receiver, syndicate, wholesaler, or manufacturer, or closing out sale, or as a sale of any goods, wares, and merchandise damaged by smoke, fire, water, or otherwise, or in any similar form, unless such transient merchant shall file with his application for a transient merchant license an affidavit showing all the facts relating to the reasons and character of the sale so to be advertised or represented, and showing that the sale is in fact as it is to be advertised and represented, including a statement of:

1. The names of the persons from whom the goods, wares, and merchandise were obtained;
2. The date of their delivery to the applicant;
3. The place from which the goods, wares, and merchandise were last taken; and
4. All details necessary to exactly locate and fully itemize all goods, wares, and merchandise to be sold.

§ 5. Failure Of Affidavit; Penalty.) If the affidavit filed as prescribed in section 4 shows that the sale is not of the kind or character proposed to be advertised or represented, or fails to disclose the facts as required, then the county auditor shall refuse the applicant a license for the sale. Should a license be issued to the applicant, it shall state that the applicant is authorized and licensed to sell such goods, wares, and merchandise, and advertise and represent and hold forth the same as being sold as such insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, receiver, syndicate, wholesaler or manufacturer, or closing out sale, or as a sale of any goods, wares and merchandise damaged by smoke, fire, water, or otherwise, as shown in the affidavit.

The affidavit shall be sworn to by the applicant before a person authorized to administer oaths. Every person making a false statement of any fact in such affidavit shall be guilty of perjury and shall be punished for such offense as is provided by the criminal code of this state.

§ 6. Evidence). When it appears that any stock of goods, wares, and merchandise has been brought into any county of this state by a person not a resident of the county, and that it is claimed, represented, or advertised that such stock is to be closed out at reduced prices, such facts shall be prima facie evidence that the person, copartnership, corporation, or agency so offering the goods, wares, and merchandise for sale is a transient merchant.

§ 7. Service of Process.) Prior to the issuance of a transient merchant license and approval of his bond, the applicant shall in writing appoint the county auditor his agent to accept service of process in any action or proceeding involving the applicant and arising out of the sale for which the license is sought. Such action shall be brought in the county where the sale was held.

§ 8. Certain Excepted Sales.) The provisions of this chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares, and merchandise by sample for future delivery, or to hawkers on the street, or to peddlers from vehicles, baskets, or packs carried on their backs, or to sheriffs, constables, or other public officers or their agents, or to administrators or executors selling goods, wares, and merchandise according to law, nor to bona fide receivers or assignees selling goods, wares, and merchandise for the benefit of creditors.

§ 9. Regulation By City, Village, Municipality.) Nothing in this chapter shall be construed as prohibiting, or in any way limiting or interfering with, the right of any city, village, or other municipal corporation or governmental subdivision of the state, to regulate or license the carrying on within such municipality the business of a transient merchant in any case where authority has been, or shall hereafter be, conferred upon it so to do, but the requirements of this chapter shall be in addition thereto. The governing body of a city or village, by resolution, ordinance, or order, may require transient merchants licensed under this chapter and making or intending to make sales within the city or village limits to comply with any reasonable regulations, in addition to this chapter, as that body may deem necessary for their local control and may require the payment by every such merchant of a per diem

license fee not exceeding twenty-five dollars. Every such merchant making sales or offering to do so without complying with city or village regulations applicable to transient merchants shall be subject to the penalty provided as if no county license had been issued.

§ 10. Penalty.) Any person violating any of the provisions of this chapter, except where other penalty is provided, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

§ 11. Repeal.) Chapter 51-04 of the North Dakota Revised Code of 1943 and sections 51-0401 and 51-0402 of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 3, 1955.

CHAPTER 302

S. B. No. 225
(Foss, Dewing)

LICENSING TRADING STAMPS OR DEVICES; PENALTY

AN ACT

Relating to premium or trading stamps or devices, and providing a penalty.

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

§ 1. License Required To Use Trading Stamps; Exceptions.) Every person who shall use, or furnish to any other person to use, in, with, or for the sale of any goods, wares, or merchandise, any stamps, coupons, tickets, certificates, cards, or other similar schemes or devices which shall entitle the purchaser receiving the same with such sale of goods, wares, or merchandise to procure from any person any goods, wares, or merchandise, free of charge or for less than the retail market price thereof, upon the production of any number of said stamps, coupons, tickets, certificates, cards, or other similar devices, before so furnishing, selling, or using the same, shall obtain a separate license from the auditor of each county wherein such furnishing or selling or using shall take place, for each and every store or place of business in that county, owned or conducted by such person, from which such furnishing or

selling, or in which such using, shall take place. The provisions of this section shall not apply to using or furnishing coupons, tickets, certificates, cards, or similar devices contained in or attached to the original package of said goods, wares, or merchandise, by the manufacturer, jobber, distributor, or packer thereof, and directly redeemable by the manufacturer, jobber, distributor, packer or retailer of such goods, wares, or merchandise.

§ 2. Application, Fee, And Issuance Of License.) An applicant for a license under the provisions of this chapter shall pay to the county treasurer of the county for which such license is sought, the sum of six thousand dollars. Upon such payment to the county treasurer, he shall issue his receipt therefor. Upon presentation of such receipt to the county auditor of the same county, such county auditor shall issue to the applicant making such payment a license to furnish or sell, or a license to use, for one year the stamps, coupons, tickets, certificates, cards, or other similar devices mentioned in section 1.

§ 3. Contents Of License: Use Of License In Other Place Prohibited.) The license provided for in this chapter shall contain:

1. The name of the grantee thereof;
2. The date of issue;
3. The date of expiration; and
4. The city or village in which, and the location at which, the same shall be used.

Such license shall be used at no place other than that mentioned therein.

§ 4. Sales Of Stamps Forbidden.) No person shall furnish or sell to any other person to use, in, with, or for the sale of any goods, wares, or merchandise, any stamps, coupons, tickets, certificates, cards, or other similar devices provided for in this chapter, for use in any village, city, or county in this state other than that in which such furnishing or selling shall take place.

§ 5. Penalty For Violation Of Chapter.) Any person violating any of the provisions of this chapter is guilty of a misdemeanor.

Approved March 5, 1955.

CHAPTER 303

H. B. No. 837

(Roen, Ettestad, Fleenor, Rose and Laske)

UNFAIR TRADE PRACTICES IN DAIRY INDUSTRY

AN ACT

Relating to unfair trade practices in the dairy industry.

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

§ 1. Unfair Trade Practices In The Dairy Industry.)

1. As used in this section the term "dairy products" includes milk, cream, butter, cheese, cheese food, ice cream, frozen desserts, ice milk, sherbet, and any other edible products manufactured or processed which has any of such products as its principal ingredients.
2. Each of the practices described in this subsection is declared to be an unfair trade practice. It shall be unlawful for any person to be engaged in such practices. No person who is a dealer in or a vendor of dairy products, for sale to a retailer or who sells dairy products to any person for retail sales shall:
 - a. Give or extend discounts on dairy products sold to retail outlets, except for standard printed public discounts which fairly represents costs savings which may be passed on to the consumer.
 - b. Furnish, give, lend, sell, or rent any advertising materials or matter except materials or matter advertising the vendor's own products, providing that not more than one-third of the space or cost in the advertising material or matter be used to identify the retailer.
 - c. Make payments of money, credit, gifts, or loans to retail outlets as rental for the storage or display of dairy products on the premises where they are offered for sale.
 - d. Loan or underwrite loans except that vendors can help retailers buy dairy refrigeration, storage, display and selling equipment, when the loan is for no more than ninety percent of the purchase price, secured by a chattel mortgage bearing five percent interest rate and payable in not more than thirty-six months.

- e. Furnish, sell, give, lend, or rent any equipment to a retail outlet. Except that a vendor may sell for cash or terms as heretofore explained under subsection (d), dairy refrigeration display and storage equipment, the selling price of which shall be the cost to the vendor plus at least ten percent to cover transportation and installation costs, less one percent per month depreciation but in no event shall it be less than fifty dollars per unit. Subsection (e) shall not apply to coin vending machines where the product vended is consumed on the premises.
 - f. Maintain or make repairs of any equipment owned by a retail outlet, except that used exclusively for dairy products, charging comparative, competitive commercial fees and charges for the service and parts.
 - g. Extend or give credit to any retail outlet in excess of thirty days payable fifteen days thereafter.
 - h. Give any gift of money, merchandise, services or materials of any value to any retail outlet, except bona fide charities, except such services heretofore specifically permitted.
3. Nothing in this section shall be interpreted to prohibit the operation of a retail outlet by a person who is also a dealer in or a vendor of retail products for sale to a retailer or for retail sales or to prohibit the use by him in such retail outlet any equipment or advertising or miscellaneous matter owned by him provided that such retail outlet is under direct control and management of the dealer.
 4. Nothing in this section shall be interpreted to prohibit the giving away of merchandise to be consumed on the premises.
 5. For the purpose of this section any subsidiary or affiliate corporation, cooperative, officer, director or partner of a corporation, a cooperative, or partnership which is a dealer in or a vendor of dairy products shall be deemed to be a dealer in or vendor of dairy products.

§ 2.) All contracts and agreements made in violation of this Act shall be void. All contracts and arrangements in effect on the date this Act becomes effective and in violation of this Act shall be void within six months.

§ 3.) Any person who shall violate any of the provisions of this Act 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 more than thirty days, or by both such fine and imprisonment.

§ 4.) The attorney general shall be responsible for the enforcement of this Act. Prosecution of violators of this Act shall be under the supervision of the state's attorney of the county in which the violation occurred.

Approved March 11, 1955.

SOCIAL SECURITY

CHAPTER 304

S. B. No. 70
(Rue and Solberg)

UNEMPLOYMENT COMPENSATION

AN ACT

To amend and reenact subsection 2 of section 52-0101 and subdivision a. of subsection 11 of section 52-0101, of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to definitions; section 52-0405 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to standard rate of contributions; subdivisions a. and b. of subsection 1, and subsection 4 of section 52-0406 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to contributions; section 52-0504, North Dakota Revised Code of 1943, relating to termination of coverage; section 52-0604 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the amount of benefits, qualifying wage and definitions; section 52-0633 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to recovery and recoupment.

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

§ 1. **Amendment.**) Subsection 2 of section 52-0101 and subdivision a. of subsection 11 of Section 52-0101, of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. "Average annual payroll" means the average of the annual payrolls of an employer for the last three completed calendar years except that, for an employer who had no payroll in the first of the last three completed calendar years, the average annual payroll shall be the average of the annual payrolls of such employer for the last two completed calendar years and, for an employer who had no payroll in the first two of the last three completed calendar years, the average annual payroll shall be the aggregate of the annual payroll of such employer for the last completed calendar year.

11.

a. Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty different calendar weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year has or had in employ-

ment, eight or more individuals, irrespective of whether the same individuals are or were employed in each such day. After December thirty-first, 1955, the term "employer" does not include any person unless on each of some twenty days during the taxable year, each day being in a different calendar week, the total number of individuals who were employed by him in employment for some portion of the day (whether or not at the same moment of time) was four or more. For the purpose of this definition, if any week includes both December thirty-first and January first, the days up to January first shall be deemed one calendar week and the days beginning January first another such week;

§ 2. **Amendment.)** Section 52-0405 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

52-0405. Standard Rate Of Contributions; Reduction Of Rates.) The standard rate of contributions payable by each employer shall be two and seven-tenths percent. No employer's rate shall be reduced below the standard rate for any succeeding calendar year unless and until his account has been chargeable with benefits throughout the thirty-six consecutive calendar month period ending on December thirty-first of the preceding calendar year except that an employer who has not been subject to the law for a period of time sufficient to meet this requirement may qualify for a reduced rate if his account has been chargeable with benefits throughout a lesser period of time but in no event less than the twelve consecutive calendar month period ending on December thirty-first of the preceding calendar year.

§ 3. **Amendment.)** Subdivisions a. and b. of subsection 1, and subsection 4 of section 52-0406 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

1. a. For the calendar year 1954 and for each calendar year thereafter the bureau shall determine the ratio of reserves for the payment of benefits as of December thirty-first of the preceding calendar year, to taxable wages for such preceding calendar year which have been reported to the bureau on or before January thirty-first of the succeeding calendar year. If such ratio is:

1. Less than nine percent, the schedule of rates at column I will be in effect;

2. Nine percent but less than ten percent, the schedule of rates at column II will be in effect;
3. Ten percent or more the schedule of rates at column III will be in effect.

The percent of the average annual payroll by which the cumulative contributions paid by an employer on or before January thirty-first of any year, with respect to wages paid by him prior to the first day of January of that calendar year, exceeds the cumulative benefits which were chargeable to his account and paid on or before December thirty-first of the preceding calendar year, shall be such employer's reserve ratio. The contribution rate for the ensuing calendar year of an employer whose account has been chargeable with benefits throughout the thirty-six consecutive calendar month period ending on December thirty-first of the preceding calendar year will be the rate of contribution on the line in the schedule of rates opposite his reserve ratio as established for that year; for an employer whose account has been chargeable with benefits throughout twenty-four but less than thirty-six consecutive calendar months ending on December thirty-first of the preceding calendar year, the reserve ratio required for any given rate in the schedule shall be two-thirds of the reserve ratio shown in the schedule applicable to such contribution rate; and for an employer whose account has been chargeable with benefits throughout twelve but less than twenty-four consecutive calendar months ending on December thirty-first of the preceding calendar year, the reserve ratio required for any given rate in the schedule shall be one-third of the reserve ratio shown in the schedule applicable to such contribution rate.

Schedule of Rates:

Employer's Reserve Ratio	Column I	Column II	Column III
Less than 1%	2.7	2.7	2.7
1% but less than 2%	2.7	2.7	2.5
2% but less than 3%	2.7	2.5	2.3
3% but less than 4%	2.5	2.3	2.1
4% but less than 5%	2.3	2.1	1.9
5% but less than 6%	2.1	1.9	1.7
6% but less than 7%	1.9	1.7	1.5
7% but less than 8%	1.7	1.5	1.3
8% but less than 9%	1.5	1.3	1.1
9% but less than 10%	1.3	1.1	.9
10% but less than 11%	1.1	.9	.7
11% but less than 12%	.9	.7	.5
12% but less than 13%	.7	.5	.3
13% but less than 14%	.5	.3	.1
14% but less than 15%	.3	.1	.1
15% or over	.1	.1	.1

- b. Any employer may voluntarily pay into the unemployment compensation fund an amount in excess of the contributions required to be paid under the provisions of this section, and such amount shall be credited to his separate account. His rate of contribution shall be computed or recomputed with such amount included in the calculation. Such contributions voluntarily paid shall not be refunded or used as a credit in the payment of contributions in whole or in part. In no event shall any such amount be included in the computation or recomputation for any year unless it is paid within one hundred twenty days after the beginning of such year.
4. The rate of an employer who has had payroll subject to contributions in each of the three years preceding the computation date shall not be reduced unless the payroll in each such year is equal to at least twenty percent of the highest payroll in such three year period. The rate of an employer who has been subject to the law for two but less than three years shall not be reduced unless the payroll in each of the two years immediately preceding the computation date is equal to at least twenty percent of the highest annual payroll in such two-year period. This requirement shall not apply to an employer who has been subject to the law for less than two years ending on the computation date.

§ 4. Amendment.) Section 52-0504, North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

52-0504. Termination As Employer; Regulations Governing.) Except as provided in sections 52-0502 and 52-0503, an employing unit shall cease to be an employer subject to this title only as of the first day of January of any calendar year, and only if it files with the bureau during January of such year, a written application for termination of coverage, and the bureau finds that the employing unit is not an employer as defined in this title. During January of any calendar year, the bureau on its own motion, may file an application for termination of coverage on behalf of any employer who during the preceding year was liable for contributions under the terms of this title, but who:

1. Has removed from the state;
2. Has discontinued the business conducted by it at the time it became liable under the terms of this title;
3. Has been adjudged bankrupt or has become insolvent. Such application for termination of coverage filed by

the bureau on its own motion shall be acted upon in exactly the same manner as though the application had been filed by the employer.

§ 5. **Amendment.)** Section 52-0604 of the 1953 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 benefit amount, if he has dependents, shall be the amount on the same line in the column D, E, or F of the table in this subsection which shows the number of his dependents. 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. Any person who during the benefit year becomes married, dies, enters military service, or becomes a claimant for unemployment benefits, can not be considered a dependent for the purpose of this title, after such change in status.

No dependent's allowance shall be payable with respect to any week unless unemployment benefits are also payable with respect to such week.

Column A High Quarter Wages	Column B Basic Weekly Benefit Amount	Column C Minimum Qualifying Wage	Column D One Depen- dent	Column E Two Depen- dents	Column F Three or more Depen- dents
\$ 63.00-\$168.00	\$ 7	\$252	\$10	\$10	\$10
168.01- 192.00	8	288	11	11	11
192.01- 216.00	9	324	12	12	12
216.01- 240.00	10	360	13	13	13
240.01- 264.00	11	396	14	15	15
264.01- 288.00	12	432	15	16	16
288.01- 312.00	13	468	16	17	17
312.01- 336.00	14	504	17	19	19
336.01- 360.00	15	540	18	20	20

360.01- 384.00	16	576	19	22	22
384.01- 408.00	17	612	20	23	23
408.01- 432.00	18	648	21	24	24
432.01- 456.00	19	684	22	25	26
456.01- 480.00	20	720	23	26	27
480.01- 504.00	21	756	24	27	29
504.01- 528.00	22	792	25	28	30
528.01- 552.00	23	828	26	29	31
552.01- 576.00	24	864	27	30	33
576.01- 600.00	25	900	28	31	34
600.01- and over	26	936	29	32	35

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 requirement 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.

§ 6. **Amendment.)** Section 52-0633 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

52-0633. Recovery And Recoupment.) A person who has received any amount of benefits under this title to which he is not entitled shall be liable to refund to the bureau for the fund the amount so paid, or to have such amount deducted from any future benefits payable to him under this title within the two year period following a finding that such payment occurred. Such finding shall have become final and shall specify the reason for such finding, the week or weeks for which such benefits were paid and the amount of benefits so paid. The bureau, in its discretion, may release such person from liability to refund when it finds that recovery would be con-

trary to equity and good conscience. Amounts determined collectible shall be free of interest and may be so collected by civil action in the name of the bureau.

Approved March 3, 1955.

CHAPTER 305

H. B. No. 816
(Strand, Brooks, Sorlie)

JUDICIAL REVIEW OF WORKMEN'S COMPENSATION BUREAU

AN ACT

To amend and reenact section 52-0627 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to judicial review of decision; petition for; filing petition.

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

§ 1. Amendment.) Section 52-0627 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

52-0627. Judicial Review Of Decision; Petition For; Filing Petition.) A party to proceedings before the bureau may obtain a judicial review of the decision of the bureau by filing a petition for such review within thirty days after the date of mailing the bureau's decision to such party at his last known address, or in the absence of mailing, within thirty days after delivery of the decision to such party. The petition for review shall be filed in the district court of Burleigh County, and shall be verified and shall state the grounds upon which review is sought. All other parties to the proceeding before the bureau shall be parties respondent. The bureau shall be deemed to be a party to any such proceeding. If the bureau is a party respondent the petition shall be served upon it by leaving with it or its chairman or any other representative as it may designate for that purpose, as many copies of the petition as there are respondents. With its answer or petition, the bureau shall certify and file with the court a verified copy of the record of the case, including all documents and papers and a transcript of all testimony taken in the matter, together with the bureau's findings, conclusions, and decision therein. Upon the filing of a petition for review by the bureau or upon the service of the petition upon it, the bureau forthwith shall send by registered mail to each other party to the proceeding a copy of such

petition and such mailing shall be deemed to be completed service upon all such parties. In any proceeding under this section the finding of the bureau as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of said court shall be confined to questions of law. Such proceedings shall be heard by the court and shall be given precedence over all other civil cases except cases arising under the workmen's compensation statute of this state. An appeal may be taken from the decision of the district court of Burleigh County to the supreme court of the state of North Dakota in the same manner as is provided in civil cases. Upon the final termination of such judicial proceeding, the bureau shall enter an order in accordance with the mandate of the court.

Approved March 7, 1955.

CHAPTER 306

H. B. No. 736

(Gumeringer, Hammer, Wolf, Leet and Saumur)

OASIS COVERAGE

AN ACT

To provide for the coverage under the old age and survivors insurance provisions of title II of the federal Social Security Act, as amended, of all officers and employees of the state of North Dakota and political subdivisions within the state who are under the provisions of chapter 52-09, entitled, Old Age and Survivors Insurance, or who may by election come under the provisions of such chapter, and of all officers and employees of political subdivisions who are under locally administered retirement systems, and making an appropriation for administration.

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

§ 1. Declaration Of Policy.) In order to extend to employees of the state and political subdivisions within the state, and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors insurance system embodied in the Social Security Act, it is hereby declared the policy of the legislative assembly, subject to the limitations of this Act, that such steps be taken as to provide such protection to employees of the state and political subdivisions within the state on as broad a basis as is permitted under the Social Security Act. It is the policy also of the legislative assembly that the protection afforded

employees in positions covered by a retirement system on the date an agreement under this Act is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof.

§ 2. Definitions.) For the purposes of this Act:

- a. The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contribution Act, would not constitute "wages" within the meaning of that Act;
- b. The term "employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except (1) service which in the absence of an agreement entered into under this Act would constitute "employment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the state and the secretary of health, education, and welfare. Service which under the Social Security Act may be included in an agreement only upon certification by the governor in accordance with section 218(d) (3) of that Act shall be included in the term "employment" if and when the governor issues, with respect to such service, a certificate to the secretary of health, education and welfare pursuant to section 7(b) of this Act.
- c. The term "employee" includes an officer of a state or political subdivision;
- d. The term "state agency" means the unemployment compensation division of the North Dakota workmen's compensation bureau;
- e. The term "secretary of health, education, and welfare" includes any individual to whom the secretary of health, education, and welfare has delegated any of his functions under the Social Security Act with respect to coverage under such Act of employees of states and their political subdivisions;
- f. The term "political subdivision" includes an instrumentality of a state, of one or more of its political subdivisions,

or of a state and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the state or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the state or subdivisions;

- g. The term "Social Security Act" means the Act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," including regulations and requirements pursuant thereto, as such Act has been and may from time to time be amended; and
- h. The term "Federal Insurance Contributions Act" means subchapters A and B of chapter 21 of the Federal Internal Revenue Code of 1954, as such codes have been or may be from time to time amended; and the term "employees tax" means the tax imposed by section 3101 of such code of 1954.
- i. The term "employer" means the state of North Dakota, and all its political subdivisions, and all of their departments and instrumentalities.

§ 3 (a). Federal-State Agreement.) The state agency, with the approval of the governor, is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this Act, for the purpose of extending the benefits of the federal old age and survivors insurance system to employees of the state or any political subdivision with respect to services specified in such agreement which constitute "employment" as defined in section 2 of this Act. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the state agency and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that:

1. Benefits will be provided for employees whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of title II of the Social Security Act;
2. The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages, as

defined in section 2 of this Act, equal to the sum of the taxes which would be imposed by the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

3. Such agreement shall be effective with respect to services in employment covered by the agreement performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year in which such agreement is entered into or in which the modification of the agreement making it applicable to such services, is entered into, except that an agreement or modification entered into after December 31, 1954 and prior to January 1, 1958 shall be effective with respect to services performed after December 31, 1954; or after a later date specified in such modification;
4. All services which constitute employment as defined in section 2 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;
5. All services which (A) constitute employment as defined in section 2, (B) are performed in the employ of a political subdivision of the state, and (C) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under section 5, shall be covered by the agreement;
6. The agreement shall include all services described in either paragraph (4) or paragraph (5) of this subsection and performed by individuals to whom section 218 (c) (3) (C) of the Social Security Act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of the retirement system; and
7. The agreement shall include all services described in either paragraph (4) or paragraph (5) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education and welfare pursuant to section (7(b) of this Act.

b. Interstate Instrumentalities.) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (1) to enter into an agreement with the secre-

tary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (2) to require its employees to pay, and for that purpose to deduct from their wages, contributions equal to the amounts which they would be required to pay under section 4(a) if they were covered by an agreement made pursuant to subsection (a) of this section, and (3) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (a) and other provisions of this Act.

§ 4. Contributions By Employees Of The State And Of Political Subdivisions.)

- a. Every employee of the state or of a political subdivision and every employer shall be required to pay for the period of such coverage, into the contribution fund established by section 6, contributions, with respect to wages, as defined in section 2 of this Act, equal to the amount of the tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act. Such employees liability shall arise in consideration of the employees retention in the service of the state or of a political subdivision or his entry upon such service, after the enactment of this Act;
- b. The employees' contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution;
- c. If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

§ 5. Plans For Coverage Of Employees Of Political Subdivisions.)

- a. Each political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending the benefits of title II of the Social Security Act, in conformity with applicable provisions of such Act, to employees of such political subdivision.

Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless,

1. It is in conformity with the requirements of the Social Security Act and with the agreement entered into under section 3;
 2. It provides that all services which constitute employment as defined in section 2 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;
 3. It specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains a reasonable assurance that such sources will be adequate for such purpose;
 4. It provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration of the plan;
 5. It provides that the political subdivision will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the secretary of health, education and welfare may from time to time find necessary to assure the correctness and verification of such reports; and
 6. It authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency and may be consistent with the provisions of the Social Security Act;
- b. The state agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

- c. 1. Each political subdivision as to which a plan has been approved under this section shall pay into the social security contribution fund, with respect to wages, as defined in section 2 of this Act, at such time or times as the state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under section 3;
2. Each political subdivision required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this Act, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages, as defined in section 2 of this Act, not exceeding the amount of employee tax which would be imposed by the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the social security contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor;
- d. Delinquent payments due under paragraph 1 subsection (c) shall bear interest at the rate of six per centum per annum and may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

§ 6. Social Security Contributions Fund.)

- a. There is hereby established a special fund to be known as the social security contribution fund. Such fund shall consist of and there shall be deposited in such fund: (1) all contributions, interest, and penalties collected under sections 4 and 5; (2) all moneys appropriated thereto under this Act; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund; and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received from the fund from

any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this Act, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this Act;

- b. The social security contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of this Act. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under section 3; (B) payment of refunds provided for in section 4(c) of this Act; and (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality;
- c. From the social security contribution fund the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the state agency in accordance with any agreement entered into under section 3 and the Social Security Act;
- d. The treasurer of the state of North Dakota shall be ex-officio treasurer and custodian of the social security contribution fund and shall administer such fund in accordance with the provisions of this Act and the directions of the state agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto.
- e.
 - (1) There are hereby authorized to be appropriated annually to the contribution fund, in addition to the contributions collected and paid into the contribution fund under sections 4 and 5, to be available for the purposes of section 6 (b) and (c) until expended, such additional sums as are found to be necessary in order to make the payments to the secretary of the treasury which the state is obligated to make pursuant to an agreement entered into under section 3;
 - (2) The state agency shall submit to each regular session of the legislative assembly, at least 90 days in

advance of the beginning of such session, an estimate of the amounts authorized to be appropriated to the social security contribution fund by paragraph (1) of this subsection for the next appropriation period;

§ 7. Referenda And Certification.)

- a. With respect to employees of the state and political subdivisions who are under the provisions of chapter 52-09 entitled Old Age and Survivor Insurance or who may by election come under the provisions of such chapter the governor is empowered to authorize a referendum, and with respect to the employees of any political subdivision who are under a locally administered retirement system he shall authorize a referendum upon request of the governing body of such subdivision; and with respect to employees covered by any other retirement system, he may authorize a referendum; and in either case the referendum shall be conducted, and the governor shall designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d) (3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this Act. The notice of referendum required by section 218 (d) (3) (C) of the Social Security Act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this Act.
- b. Upon receiving evidence satisfactory to him that with respect to any such referendum the conditions specified in section 218(d) (3) of the Social Security Act have been met, the governor shall so certify to the secretary of health, education, and welfare.

§ 8. Administrative Appropriation.) For the purpose of administering the provisions of this Act for the biennium beginning July 1, 1955 and ending June 30, 1957, there is hereby appropriated from the old age and survivor trust fund the sum of \$2,000.00 or so much thereof as may be necessary and not otherwise appropriated.

§ 9. Rules And Regulations.) The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of this Act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this Act. Such regulations shall require the employers to make such reports in such form and containing such information as the state agency may from time to time request, and shall require employers to comply with such provisions as the state agency or the secretary of health, education and welfare may from time to time find necessary to assure the correctness and verification of such reports.

§ 10. Studies And Reports.) The state agency shall make studies concerning the problem of old-age and survivors insurance protection for employees of the state and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under this Act and shall submit a report to the legislative assembly at the beginning of each regular session, covering the administration and operation of this Act during the preceding calendar year, including such recommendations for amendments to this Act as it considers proper.

§ 11. Separability.) If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 12. Repeal.) All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

Approved March 11, 1955.

CHAPTER 307

H. B. No. 669
(Baker)

OASIS; CONTRIBUTIONS; DEFINITIONS

AN ACT

To amend and reenact section 52-0909 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the rate of contributions and subsection B of section 52-0920 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to definitions.

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

§ 1. Amendment.) Section 52-0909 of the 1953 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 paid before July 1, 1955; two per centum of the wages paid after June, 1955, up to 1960; two and one-half per centum of the wages paid after 1959, up to 1965; three per centum of the wages paid after 1964, up to 1970; three and one-half per centum of the wages paid after 1969, up to 1975; and four per centum of the wages paid after 1974, 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.

§ 2. Amendment.) Subsection B of section 52-0920 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- B. The term "employment" means any service performed after June 30, 1947, under an employer employee relationship, under the provisions of this chapter, except:
- (1) Any service performed in the employ of any employer which has as of the effective date of this chapter its own retirement plan.
 - (2) Any service performed in any calendar quarter in which the remuneration for such service does not exceed the sum of fifty dollars (\$50.00), unless there are

other calendar year quarters in which remuneration does exceed the sum of fifty dollars (\$50.00), and excepting any service performed by an employee of the legislative assembly during a legislative session.

- (3) The director of the North Dakota unemployment compensation division is hereby authorized to enter into an agreement with the federal security agency, social security administration, bureau of old age and survivors insurance to provide coverage for national guard state civilian employees under the old age and survivor insurance provisions of the Social Security Act as provided in section 218 of the Social Security Act amendments of 1950. (Public Law 734, 81st Congress). For the purposes of the agreement the director is authorized to make such collections, contributions and reports as may be required by the federal agency under the terms of the agreement.
- (4) Any service performed by an undergraduate student while regularly attending a college or university for such college or university.

Approved March 7, 1955.

CHAPTER 308

H. B. No. 861
(Delayed Bills Committee)

OASIS—WAGES; MONTHLY WAGE; FULLY INSURED INDIVIDUAL

AN ACT

To amend and reenact subsections A., E., and F., of Section 52-0920, of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to definitions.

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

§ 1. **Amendment.**) Subsections A., E., and F., of section 52-0920, of the 1953 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

- A. The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any

medium other than cash; except that such term shall not include—

- (1) That part of the remuneration which, after remuneration equal to \$4,200 has been paid to an individual with respect to employment during any calendar year after 1946, is paid to such individual with respect to employment during such calendar year.
- E. The term “average monthly wage” means the quotient obtained by dividing the total wages paid an individual before the quarter in which he died or became entitled to receive primary insurance benefits, whichever first occurred by three times the number of quarters elapsing after July 1, 1947, and before such quarter in which he died or became so entitled, excluding any quarter prior to the quarter in which he attained the age of twenty-one during which he was paid less than fifty dollars in wages. For the purpose of determining the average monthly wage as provided in this section, an individual employee may at his option disregard or “drop out” not to exceed ten quarters of employment in instances where the total quarterly wages received from employment subject to this chapter did not exceed three hundred dollars and where such wages were received in quarters prior to July 1, 1951. Such quarters of employment as may be dropped out or disregarded by the employee may be considered, however, in determining whether such employee has a sufficient number of quarters of covered employment to become eligible for benefits under this chapter.
- F. The term “fully insured individual” means any individual with respect to whom it appears to the satisfaction of the bureau that:
- (1) He had not less than one quarter of coverage for each of two of the quarters elapsing after July 1, 1947, and up to but excluding the quarter in which he retired after he had obtained the age of sixty-five, or died, whichever first occurred; or
 - (2) He had at least forty quarters of coverage. As used in this subsection, and in subsection (G) of this section, the term quarter and the term “calendar quarter” mean a period of three calendar months ending on March 31, June 30, September 30, or December 31; and the term “quarter of coverage” means a calendar quarter in which the individual has been paid not less than \$50 in wages. When the number of quarters specified in paragraph (1) of this subsection is an odd number, for purposes of such paragraph such number shall be reduced by one. In any case where an individual has

been paid in a calendar year \$4,200 or more in wages, each quarter of such year following his first quarter of coverage shall be deemed a quarter of coverage, excepting any quarter in such year in which such individual dies or becomes entitled to a primary insurance benefit and any quarter succeeding such quarter in which he died or becomes so entitled.

Approved March 10, 1955.

STATE GOVERNMENT

CHAPTER 309

H. B. No. 663

(Brooks, Baldwin, Simonson, Stockman)

JOINT EXERCISE OF GOVERNMENTAL POWERS

AN ACT

To provide for the joint exercise of powers of two or more governmental units or municipal corporations, including every city, village, county, town, park district, school district, and states and United States governments and departments of each thereof; and also to provide that two or more of such governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any of their respective separate powers or any power common to such contracting parties or any similar powers; to provide for disbursements from public funds, including funds already raised to buy real estate for public buildings and other proper funds or properties already on hand; repealing all acts or parts of acts in conflict herewith; and declaring an emergency.

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

§ 1. Agreement.) Two or more governmental units or municipal corporations having in common any portion of their territory or boundary, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise their respective separate powers, or any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised for the purpose of acquiring, constructing and maintaining any building for their joint use in providing office space or related facilities for their administrative and judicial functions of government or for providing for the operation and facilities. The term "governmental unit" as used in this action includes and means every city, village, county, town, park district, school district, states and United States governments and departments of each thereof, and all other political subdivisions even though not specifically named or referred to herein.

§ 2. Agreement To State Purpose.) Such agreement shall state the purpose of the agreement or the power or powers to be exercised, and it shall provide for the method by which the purpose sought shall be accomplished or the manner in which the power or powers shall be exercised.

§ 3. Disbursement Of Funds.) The parties to such agreement may provide for disbursements from public funds, including funds already raised to buy real estate for public buildings and other proper funds or properties already on hand, to carry out the purposes of the agreement. Funds may be paid to and disbursed by such agency as may be agreed upon, but the method of disbursement shall agree as far as practicable with the method provided by law for the disbursement of funds by the parties to the agreement. Strict accountability of all funds and report of all receipts and disbursements shall be provided for.

§ 4. Termination Of Agreement.) Such agreement may be continued for a definite term or until rescinded or terminated in accordance with its terms.

§ 5. Shall Provide For Distribution Of Property.) Such agreement shall provide for the disposition of any property acquired as the result of such joint or cooperative exercise of powers, and the return of any surplus moneys in proportion to contributions of the several contracting parties after the purpose of the agreement has been completed.

§ 6. Residence Requirement.) Residence requirements for holding office in any governmental unit shall not apply to any officer appointed to carry out any such agreement.

§ 7. Not To Affect Other Acts.) This section does not dispense with procedural requirements of any other act providing for the joint or cooperative exercise of any governmental power.

§ 8.) 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, and the legislature hereby declares that it would have passed this Act and each section, subsection, clause, sentence or phrase hereof irrespective of whether one or more of the sections, subsections, clauses, sentences or phrases be declared unconstitutional.

§ 9.) All acts or parts of acts in conflict herewith are hereby repealed.

§ 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 11, 1955.

CHAPTER 310

S. B. No. 43
(Legislative Research Committee)
(By Request)

CLAIMS AGAINST THE STATE OF NORTH DAKOTA

AN ACT

To amend and reenact section 54-1404 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to claims against the state of North Dakota.

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

§ 1. **Amendment.)** Section 54-1404 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1404. Claim Against State Filed With State Auditing Board; Verification Of Claim; Receipt For Expenditures.) No bill, claim, account, or demand against the state shall be audited, allowed, or paid until a full itemized statement in writing has been filed with the state auditing board, unless such bill, claim, account, or demand is:

1. For a salary fixed by law;
2. Against a state owned utility, enterprise, or business project; or
3. Specifically exempt by law.

Where charges are made for money expended in the performance of official duties, all items of one dollar or more so expended and charged for, shall be covered by a sub-voucher or receipt, which shall be signed by the person to whom the money was paid; provided, however, that no sub-voucher or receipt shall be required for meals, and further provided that where charges are made for money expended outside the state of North Dakota in the performance of official duties in any amount, such sub-voucher or receipt shall not be required. The sub-voucher or receipt shall show at what place, on what date, and for what, the money expended was paid. The sub-vouchers or receipts shall be forwarded with the bill, claim, account, or demand against the state. The bill, claim, account, or demand shall be verified further by the certificate of the party presenting it in substantially the following form:

Certificate

I do hereby certify that the within bill, claim, account, or demand, is just and true; that the money therein charged was

actually paid for the purpose therein stated; that the services therein charged were actually rendered and are of the value therein charged; that no part of such bill, claim, account, or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Sign here:.....

.....
If signed for a firm or
company show authority
on this line.

Approved March 3, 1955.

CHAPTER 311

H. B. No. 704

(Nygaard, Beede, R. Thompson, Haugland,
(Brown and Rosberg)

INDUSTRIAL COMMISSION—RIVERDALE PLANNING
(APPROPRIATION)

AN ACT

To authorize the industrial commission to deal with the federal government or its agencies in the disposition and utilization of government owned properties at Riverdale, North Dakota, to designate the industrial commission as a state agency authorized to cooperate under the Housing Act of 1954, authorizing the commission to apply for, receive and disburse planning funds, and making an appropriation therefor.

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

§ 1. Industrial Commission Authorized To Acquire And Dispose Of Riverdale Sites, Properties And Facilities.) The industrial commission of the state of North Dakota is hereby authorized, as the agent of the state of North Dakota, to contract with the United States of America, or any department or agency thereof, for the purpose of acquiring all or part of such lands, improvements, facilities and other properties in or adjacent to the federally owned community of Riverdale, North Dakota, as may be vacated, transferred or disposed of by the United States of America, and which are, in the discretion of the industrial commission, necessary to the health, welfare and education of the inhabitants of that community, or which may be used or useful in the development of commer-

cial and industrial activities therein. The industrial commission may dispose of all lands, improvements, facilities and properties so acquired, separately or severally, by lease, or sale, or otherwise, as the commission shall deem proper and for the best interest of the community and the state.

§ 2. Commission Authorized To Act As Planning Agency Of State And To Negotiate And Contract With Federal Housing Administration.) For the purposes of this Act, the industrial commission of the state of North Dakota is hereby designated as the state planning agency, and is authorized to negotiate and contract with the federal housing and home finance administrator, under the provisions of the Housing Act of 1954, and all acts amendatory thereof and supplementary thereto, in all matters pertaining to or affecting planning work for the development and construction of public works in the community of Riverdale, when acquired. The plan of the industrial commission for any improvement or development in Riverdale shall be considered as the approved plan or plans therefor of the state of North Dakota.

§ 3. Commission Authorized To Apply For, Receive And Disburse Federal Planning Funds, And To Establish Separate Planning Account.) The industrial commission is hereby authorized to apply for, receive and disburse federal funds for the purpose of advance planning of improvements and public works in Riverdale, when acquired. Such funds shall be used to aid in financing the cost of economic engineering and architectural surveys, land use studies, urban renewal plans, designs, plans, working drawings, specifications, technical services, or other action preliminary to and in preparation for urban planning and for the construction of such improvements or public works. Subsequent to approval and prior to disbursement of any federal funds for the purpose of advance planning, the industrial commission shall establish a separate planning account into which all federal and applicant funds estimated to be required for plan preparation shall be placed, and out of which the expenses of such planning shall be paid.

§ 4. Appropriation.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for the biennium beginning July 1, 1955 and ending June 30, 1957, or so much thereof as may be necessary for the purpose of paying the operating expense of the industrial commission in carrying out the provisions of this Act.

Approved March 11, 1955.

CHAPTER 312

S. B. No. 196
(Duffy)

BOARD OF ADMINISTRATION; DEAF SCHOOL LAND SALE

AN ACT

Authorizing the board of administration to sell certain lands belonging to the school for the deaf.

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

§ 1.) It is hereby found and determined that approximately twenty acres of the farm owned by the state and heretofore operated in connection with the school for the deaf at Devils Lake is no longer operated by said school and is no longer required for the use of the state and such lands can be profitably platted as part of the city of Devils Lake and sold for residential purposes and that it will be advantageous to dispose of such surplus acreage.

§ 2.) The board of administration is hereby authorized to sell so much of the lands owned by the state of North Dakota and located in section twenty-seven in township one hundred fifty-four north of range sixty-four as the said board may deem advisable but not exceeding twenty acres.

§ 3.) The board of administration is hereby authorized to cause the lands so selected by it to be platted into blocks and lots and to cause the same to be sold in such parcels as the board may determine. All sales shall be reported to the governor and if approved by him, he shall execute proper conveyances to the purchasers, such conveyances to be attested by the secretary of state and to be delivered to the several purchasers on payment of the purchase price.

§ 4.) The proceeds of such sale or sales shall be covered into the state treasury for the use of said school for the deaf, after paying all costs incurred for the surveying, platting, recording, selling and transferring title to the purchasers out of the proceeds of such sale or sales.

Approved March 3, 1955.

CHAPTER 313

S. B. No. 38

(Legislative Research Committee)

POSTPONEMENT OF STATE CENSUS UNTIL 1965

AN ACT

To amend and reenact section 54-2601 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the state census.

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

§ 1. **Amendment.**) Section 54-2601 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-2601. When Enumeration Of Inhabitants To Be Taken.) An enumeration of the inhabitants of this state, and of each county, city, village, and township thereof shall be taken in the year nineteen hundred sixty-five, and during every tenth year thereafter, under the direction of the secretary of state.

Approved March 3, 1955.

CHAPTER 314

H. B. No. 594
(Rohde and Mollet)

INDIAN AFFAIRS COMMISSION; MEMBERS

AN ACT

To amend and reenact section 54-3601 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the Indian affairs commission.

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

§ 1. **Amendment.**) Section 54-3601 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-3601. Commission: Created; Members; Officers; Expenses Of Certain Members.) There is hereby created a North Dakota Indian affairs commission which shall consist of the governor, commissioner of agriculture and labor, superintendent of public instruction, executive director of the public welfare board of North Dakota, state health officer, director of the North Dakota state employment service, and the chairmen of the boards of county commissioners of Sioux, Mercer, McLean, McKenzie, Dunn, Rolette, Benson, Mountrail and Eddy counties. The governor shall act as chairman of the commission and the commission shall select one of its members as secretary. The chairmen of the boards of county commissioners who are members of the commission shall receive the mileage and expenses allowed state officers which shall be paid from the appropriation made to such commission.

Approved February 23, 1955.

TAXATION

CHAPTER 315

H. B. No. 827
(Lindberg and Mueller)

HOMESTEAD EXEMPTION—DISABLED VETERANS

AN ACT

Creating and enacting subsection 20 of section 57-0208 of the North Dakota Revised Code of 1943, relating to property exempt from taxation.

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

§ 1. **Amendment.)** Section 57-0208 of the North Dakota Revised Code of 1943 is hereby amended by creating subsection 20 thereto, which is enacted to read as follows:

20. Fixtures, buildings and improvements upon lots in any city or village up to a valuation of ten thousand dollars used and owned as a homestead, as defined in section 47-1801 of the North Dakota Revised Code of 1943 as amended, by a disabled veteran who was discharged under honorable conditions with a service connected disability, and who shall have a certificate from the United States veterans' administration, or its successors, certifying that the veteran is receiving or has received pecuniary assistance due to disability for specially adapted housing under the provision of Public Law 702 of the 80th Congress and amendments thereto. To obtain said exemption, an affidavit accompanied by said certificate, showing the facts herein required and a description of the property, shall be filed with the county auditor. Such affidavit and accompanying certificate shall be filed in the office of the county auditor and shall be open to inspection. The board of county commissioners is hereby authorized to cancel the unpaid taxes for any year in which such veteran shall have held title to such exempt property.

Approved March 1, 1955.

CHAPTER 316

H. B. No. 617
(Poling)

TAX EXEMPTION OF INUNDATED AND HIGHWAY
EASEMENT LANDS

AN ACT

To amend and reenact section 57-0210 of the North Dakota Revised Code of 1943, relating to lands exempt from taxation, and declaring an emergency.

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

§ 1. **Amendment.)** Section 57-0210 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-0210. Inundated And Highway Easement Lands Exempt From Taxation.) The board of county commissioners is authorized and directed to remove from the tax rolls and to declare as exempt from taxation all inundated lands upon which the owner thereof has granted or hereafter shall grant a permanent easement to the United States of America, its instrumentalities, or agencies, for the purpose of constructing, maintaining, and operating water or wildlife conservation projects, and all lands upon which the owner thereof has granted or hereafter shall grant an easement for a highway or road right-of-way to the United States, its instrumentalities or agencies, or to the state or its political subdivisions, and such lands so removed from the tax rolls shall remain exempt until such time as such water or wildlife conservation projects or highway shall have been abandoned. Such lands shall not be removed from the tax rolls and declared exempt from taxation until such time as the construction of such water or wildlife conservation projects or highway thereon shall have been completed.

§ 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, 1955.

CHAPTER 317

S. B. No. 248
(Delayed Bills Committee)

TWENTY MILL LIMITATION ON COUNTY TAX LEVIES

AN ACT

To amend and reenact section 57-1506 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to limitations on county tax levies.

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

§ 1. **Amendment.)** Section 57-1506 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1506. Limitations On County Tax Levies.) County tax levies shall be limited as follows:

1. The board of county commissioners shall not levy any taxes for general or special county purposes which will exceed the amount produced by a levy of twenty mills on the dollar of the net taxable valuation of the county;
2. The board of county commissioners annually shall levy taxes sufficient to meet the obligations of the county for the maintenance of its patients in the charitable institutions of the state, but such taxes shall not exceed the amount produced by a levy rate of one and one quarter mills on the dollar of net taxable valuation. Such levy shall be within the amount produced by the twenty mill rate, and shall be a paramount charge, to the exclusion of all other budget items, upon the necessary part of the total tax levies; provided that any funds now on hand or hereinafter levied for the purpose of this subsection shall not, in the discretion of the board of county commissioners, be included in the budget of the county.
3. The twenty mill limitation shall apply to all tax levies which the county is authorized to levy for general and special county purposes, including taxes levied for road and bridge purposes. Any unexpended balance in the county road fund at the end of the fiscal year may be transferred to a special road fund, except that such special fund, never exceed the amount a ten mill levy on the assessed valuation of the county would yield, and

the balance in said fund shall not be considered in determining the budget or the amount that may be levied. Such mill limitation shall not apply:

- a. To tax levies made for the purpose of paying the principal and interest on any obligations of the county evidenced by the issuance of bonds;
- b. To tax levies made to pay the county tuition provided for by section 57-1524;
- c. To taxes levied for the purpose of combating the grasshopper pest, pursuant to section 4-1501;
- d. To taxes levied for the purpose of combating gophers pursuant to section 4-1602;
- e. To taxes levied pursuant to any statute which expressly provides that the taxes authorized to be levied therein shall not be subject to the twenty mill limitations for general and special county purposes; or
- 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 5, 1955.

CHAPTER 318

H. B. No. 559
(Fay Brown)

COUNTY OR CITY TAX LEVY FOR ADVERTISING

AN ACT

To amend and reenact section 57-15101 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to authorizing counties in which are located cities having a population in excess of three thousand to levy a tax for the purpose of advertising the resources and opportunities in the county or city and promoting the industrial development thereof, and repealing all acts or parts of acts in conflict herewith and declaring an emergency.

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

§ 1. **Amendment.)** Section 57-15101 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-15101. Counties And Cities May Levy For Certain Advertising Purposes.) The board of county commissioners of any county in which there is located a city having a population in excess of 3,000, according to latest federal census, and the governing body of any city having a population in excess of 3,000 according to latest federal census, may annually levy a tax for the purpose of advertising the resources and opportunities in the county or city as the case may be and promoting the industrial development thereof. Such tax shall not exceed the amount produced by the levy of one-half mill on a dollar of the net taxable valuation of the county or city as the case may be.

When any county or city makes the levy provided for by this Act, the expenditure of the fund shall be under the direction of the governing boards of such county or city. The levy of such one-half mill authorized by this Act shall not be subject to other mill limitations prescribed by law.

§ 2. **Repeal.)** All acts or parts of acts in conflict with this Act are hereby repealed.

§ 3. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 28, 1955.

CHAPTER 319

H. B. No. 586
(Committee on Education)

SCHOOL DISTRICT BUILDING FUND TAX LEVY

AN ACT

To amend and reenact section 57-1516 and subsection 1 of section 57-1517 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to tax levies for building funds in school districts and the use thereof.

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

§ 1. Amendment.) Section 57-1516 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1516. Tax Levy For Building Fund In School Districts.) The governing body of any school district shall levy taxes annually for a school building fund, not in excess of ten mills, which levy shall be in addition to and not restricted by the levy limitations prescribed by law, when authorized to do so by sixty percent of the electors voting upon the question at a regular or special election in any school district. The governing body of such school district may create such building fund by appropriating and setting up in its budget for such an amount not in excess of twenty percent of the current annual appropriation for all other purposes combined, exclusive of appropriations to pay interest and principal of the bonded debt, and not in excess of the limitations prescribed by law. In all cases where a portion or all of the proceeds of such levy have been allocated by contract to the payment of rentals upon contracts with the state school construction board, such levy shall be made annually by the governing body of the school district until the full amount of all such obligations is fully paid. Upon the completion of all payments to the state school construction fund, such levy may be discontinued at the discretion of the governing body of the school district, or, upon petition of one-third of the qualified electors of such district, the question of discontinuance of the levy shall be submitted to the electors of the school district at any regular or special election and, upon a favorable vote of sixty percent of the electors voting, such levy shall be discontinued. Any school district, executing a contract or lease with the state school construction board, which contract or lease requires the maintenance of the ten mill levy provided in this section, shall immediately file a certified copy of such contract or lease with

the county auditor or auditors of the county or counties in which such school district is located. The county auditor or auditors shall register such contract or lease in the bond register in substantially the manner provided in section 21-0323. Upon the filing of such contract or lease with the county auditor or auditors, the school district shall be without power to discontinue such levy and such levy shall automatically be included in the tax levy of such school district from year to year by the county auditor or auditors until a sufficient sum of money has been collected to pay to the state treasurer for the retirement of all obligations of such school district with the state school construction board.

§ 2. Amendment.) Subsection 1 of section 57-1517 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read 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, or the payment of rentals upon contracts with the state school construction board, 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, and such order must recite upon its face the purpose for which such payment is made;

Approved March 8, 1955.

CHAPTER 320

H. B. No. 690
(Link and Rolfsrud)

TOWNSHIP FIVE MILL LEVY; FARM TO MARKET ROADS

AN ACT

To provide for a township tax levy of five mills to be used in cooperation with a county in the construction and maintenance of federal aid farm to market roads on the county highway system within such township, and providing for notification.

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

§ 1.) The electors of each township shall have power at the annual meeting to levy not over five mills on the dollar of the net taxable assessed valuation for the purpose of cooperating with the county in constructing and maintaining federal aid farm to market roads within such township. The tax levy provided herein shall be over and above the limitations specified in section 57-1520 of the 1953 Supplement to the North Dakota Revised Code of 1943, and shall be made only if notice of the question of the approval of such levy has been included with or upon the notice of the annual meeting provided for in section 58-0401 of the 1953 Supplement to the North Dakota Revised Code of 1943, as amended.

Approved February 28, 1955.

CHAPTER 321

H. B. No. 631
(Adamsen)

DEDUCTION OF DELINQUENT TAXES FROM
PUBLIC SALARIES OR CLAIMS

AN ACT

To amend and reenact section 57-2226 of the North Dakota Revised Code of 1943, relating to deduction of personal property taxes from salaries and claims against public funds.

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

§ 1. **Amendment.**) Section 57-2226 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-2226. Deduction Of Personal Property Taxes From Salaries And Claims Against Public Funds.) Any person who is required to issue warrants for, or to pay any salary or other compensation of, any officer or employee mentioned in section 57-2227, or to pay any other claim against public funds, shall ascertain from the tax records of the county wherein the services were performed, or the county wherein the person making claim for such compensation or other payment resides, whether such claimant is indebted to such county, or to any township, city, village, school district, park district, or any other municipality or political subdivision, for delinquent personal taxes, and, if such indebtedness is found to exist, fifteen percent of the amount claimed for such salary or other compensation, or for such other payment, shall be withheld from each payment made until such personal property taxes, with interest and penalty, are fully satisfied, except that the total amount deducted and withheld shall never exceed double the amount of the total indebtedness. If, however, in any case the amount of the salary, compensation, or other claim allowed for payment amounts to less than ten dollars, then one dollar only shall be withheld therefrom to apply upon such delinquent personal property taxes.

Approved March 8, 1955.

CHAPTER 322

S. B. No. 51
(Duffy, Knudson)

DETERMINATION OF NET ESTATE

AN ACT

To amend and reenact subdivisions b and i of subsection 2 of section 57-3711 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to terminable interests and interests in property considered as passing from a decedent, and declaring an emergency.

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

§ 1. Amendment.) Subdivision b of subsection 2 of section 57-3711 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- 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; provided, that the value of any interest within the meaning of the foregoing provisions of this subdivision shall be deductible to the extent that the total value of other interests deductible under this subsection is less than twenty thousand dollars. 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.

§ 2. Amendment.) Subdivision i of subsection 2 of section 57-3711 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- i. For the purposes 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, or (7) such interest passed by way of exemption pursuant to chapter 30-16 of the North Dakota Revised Code of 1943, as amended, provided that such interest is not one which would be disqualified under subdivision (b) of this subsection and provided that such interest is not otherwise deductible under this section. 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.

§ 3. Application.) This Act shall be applicable to estates of all decedents who shall have died subsequent to January 1, 1955.

§ 4. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 2, 1955.

CHAPTER 323

H. B. No. 596
(Nygaard and Dick)

TAX EXEMPT CIGARETTES FOR SOLDIERS' HOME

AN ACT

Exempting cigarettes given to soldiers' home from state cigarette taxes.

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

§ 1. Cigarettes Given Soldiers' Home Exempt.) All gift cigarettes, not for resale, which are given to the North Dakota soldiers' home for distribution to the occupants thereof, and which are exempt from the cigarette excise taxes of the United States, shall also be exempt from all cigarette excise taxes levied by the state of North Dakota.

Approved February 23, 1955.

CHAPTER 324

S. B. No. 114

(Dewing)

(At the request of
the state tax commissioner)

INCOME TAX CLARIFICATION

AN ACT

To create new subsections 18 and 19 to section 57-3801 of the North Dakota Revised Code of 1943 and the 1953 Supplement thereto and to amend and reenact section 57-3805, subsection 6 of section 57-3809, subsection 1 of section 57-3827, section 57-3835, section 57-3836, and subsections 1 and 3 of section 57-3842 of the North Dakota Revised Code of 1943, relating to definitions, deductions, exemptions, payment of tax, and information at the source, and for purposes of clarifying existing income tax laws.

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

§ 1. Amendment.) Subsection 18 of section 57-3801 of the North Dakota Revised Code of 1943 as amended is hereby created and enacted to read as follows:

18. "Taxable income" or "income taxable" shall mean income against which the tax rate provided for in this chapter is applied;

§ 2. Amendment.) Subsection 19 of section 57-3801 of the North Dakota Revised Code of 1943 as amended is hereby created and enacted to read as follows:

19. "Nontaxable income" or "income not taxable" shall mean all income against which the tax rate provided in this chapter is not applied, provided that the terms shall not mean personal exemptions, deductions for dependents, or deductions provided in section 57-3822.

§ 3. Amendment.) Section 57-3805 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

57-3805. Certain Income Of Nonresidents Not Taxed.) Income of nonresidents derived from interest from land contracts and income of nonresidents derived from mortgages, stocks, bonds, and securities, or from the sale of similar intangible personal property, shall not be taxed.

§ 4. Amendment.) Subsection 6 of section 57-3809 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6. Domestic building and loan associations and domestic savings and loan associations operated for mutual purposes;

§ 5. Amendment.) Subsection 1 of section 57-3827 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. If taxable under the provisions of subsection 1 of section 57-3807, a personal exemption of six hundred dollars;

§ 6. Amendment.) Section 57-3835 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3835. Payment Of Tax.) Except as otherwise provided in section 57-3836, every taxpayer shall compute the amount of tax due under the return and shall attach thereto a check, draft, or money order, payable to the state tax commissioner, Bismarck, North Dakota, for the amount of the tax computed. The interest on delinquent tax provided in section 57-3843 shall apply to returns filed without payment of the tax due in the manner provided herein.

§ 7. Amendment.) Section 57-3836 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3836. Payment Of Tax May Be Made In Quarterly Installments When.) If the total tax exceeds one hundred dollars it may be paid in quarterly installments, and if paid in such installments, the first installment shall be paid at the time fixed by this chapter for filing the return, the second installment shall be paid on the fifteenth day of the third month, the third installment on the fifteenth day of the sixth month, and the fourth installment on the fifteenth day of the ninth month, after the time fixed by law for filing the return.

§ 8. Amendment.) Subsection 1 of section 57-3842 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. Every individual, partnership, corporation, joint stock company, or association, or insurance company, a resident of, or having a place of business in, this state, in whatever capacity acting, including lessees and mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the state or of any state institution, or of any political subdivision within the state, having control, receipt, custody, disposal, or payment of interest, other than interest coupons payable to bearer, rent, salaries, wages, premiums, an-

nuities, compensation, remuneration, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, amounting to six hundred dollars or over in salaries or wages, and six hundred dollars or over in other payments mentioned in this chapter, whether paid or payable during any year to any taxpayer, shall make a complete return thereof under oath to the tax commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by the tax commissioner;

§ 9. Amendment.) Subsection 3 of section 57-3842 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. All returns required under this section shall be made on or before the fifteenth day of the third month following the close of the fiscal year of the person, firm or corporation required to make the return, or if the return is made on the basis of a calendar year, then the return shall be made on or before the fifteenth day of April in the year following the year in which such payments were made or accrued.

§ 10. Effective Date.) This Act shall apply to every income year beginning after December 31, 1954.

Approved March 2, 1955.

CHAPTER 325

H. B. No. 564
(Fay Brown)

INCOME TAX DEDUCTIONS—LIGNITE PRODUCTION

AN ACT

To amend and reenact subsection 6 of section 57-3822 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to deductions allowed in computing net income for income tax purposes, to encourage and promote the mining and production of lignite coal in North Dakota and encourage its utilization as a natural resource.

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

§ 1. Amendment.) Subsection 6 of section 57-3822 of the 1953 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

6. A reasonable allowance for necessary repairs and a reasonable allowance for depreciation by use, wear, and tear of property used in business or trade, and in case of mines, oil and gas wells, or other natural deposits, a reasonable allowance for cost depletion including cost of development if capitalized, and for depreciated improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under the rules and regulations to be prescribed by the tax commissioner. The taxpayer shall have the election to capitalize or deduct currently the intangible drilling and development costs, such election once made to be binding for all subsequent years. In any case, in which it is ascertained as a result of operations or of development work that the recoverable units are greater or less than the prior estimate thereof, then such prior estimate, but not the basis for depletion, shall be revised and the allowance under this subsection for subsequent taxable years shall be based upon such revised estimate. In the case of leases, the deductions shall be equitably apportioned between the lessor and the lessee. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.
 - a. In the case of oil and gas wells, the taxpayer shall have an option to accept an allowance for depletion of twenty-seven and one-half per centum of the gross income from the property during the taxable year in lieu of other bases of depletion. If the option to accept the twenty-seven and one-half per centum depletion allowance is exercised, the taxpayer shall exclude from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect to the property. Such allowance shall not exceed fifty per centum of the net income of the taxpayer from the property, computed without the allowance for depletion. In no case shall the allowance of percentage depletion be less than it would have been as computed upon the basis of cost depletion;

- b. In the case of lignite coal mines, the taxpayer shall have the option to accept an allowance for depletion of ten per centum of the gross income from each property during the taxable year in lieu of other bases of depletion. If the option to accept the ten per centum depletion allowance is exercised, the taxpayer shall exclude from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect to the property. Such allowance shall not exceed fifty per centum of the net income of the taxpayer from the property, computed without the allowance for depletion. In no case shall the allowance of percentage depletion be less than it would have been as computed upon the basis of cost depletion.
- c. This Act shall apply to all income years beginning after December 31, 1954.

Approved March 1, 1955.

CHAPTER 326

H. B. No. 691
(Brown, Baldwin and Thompson)

NET INCOME GIFT DEDUCTIONS

AN ACT

To amend and reenact subsection 8 of section 57-3822 of the 1943 Revised Code relating to deductions allowed in computing net income.

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

§ 1. Amendment.) Subsection 8 of section 57-3822 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

8. Contributions or gifts made within the income year to:
- a. The state of North Dakota, or any political subdivision thereof, exclusively for public purposes;
 - b. To any community chest, corporation, association, or trust, or fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of

cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or

- c. To posts or organizations of war veterans or auxiliary units or societies of such organizations, if such posts, organizations, units or societies are within North Dakota and if no part of their net income inures to the benefit of any private shareholder or individual.

Such contributions or gifts may be deducted only to an amount which in all the above cases combined does not exceed twenty percent of the taxpayer's net income as computed without the benefit of this subdivision;

Approved March 2, 1955.

CHAPTER 327

S. B. No. 112

(Dewing)

(at the request of
the state tax commissioner)

LIMITATION OF ACTIONS ON FAILURE TO MAKE
INCOME TAX RETURN

AN ACT

To amend and reenact section 57-3844 of the North Dakota Revised Code of 1943 relating to income tax as a personal debt by adding thereto a provision relating to limitations of actions in those instances of failure to make a return as required by the income tax law.

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

§ 1. **Amendment.**) Section 57-3844 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3844. Tax A Personal Debt; Limitation Of Actions.) Every tax imposed by this chapter, and all increases, interest, and penalties thereon, shall become, from the time it is due and payable, a personal debt from the person or corporation liable to pay the same to this state. In the case of any tax imposed by this chapter if the taxpayer has failed to file a return of income as required by this chapter, the tax may be assessed, or a proceeding in court for the collection of such

tax may be begun without such assessment, at any time within ten years after the due date of the return; provided that no limitation of time to assess or collect the tax shall apply if the failure to file a return was due to the fraudulent intent or the willful attempt of the taxpayer in any manner to evade the tax; and provided further that no limitation of time shall apply if at the effective date of this amendment a lien has been filed and recorded pursuant to section 57-3849.

Approved March 2, 1955.

CHAPTER 328

S. B. No. 113

(Dewing)

(At the request of
the state tax commissioner)

INCOME TAX LIENS

AN ACT

To amend and reenact section 57-3849 of the North Dakota Revised Code of 1943, relating to the filing and recording of income tax liens and to the payment of fees therefor.

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

§ 1. Amendment.) Section 57-3849 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3849. Preservation Of Lien.) In order to preserve the lien provided in section 57-3848 against subsequent mortgages, or judgment creditors, for value and without notice of the lien, on any property situated in any county, the tax commissioner shall file with the register of deeds of the county in which said property is located, a notice of said lien. The register of deeds of each county shall prepare and keep in his office a book to be known as index of tax liens, so ruled as to show in appropriate columns the following data, under the names of taxpayers arranged alphabetically:

1. The name of the taxpayer;
2. The name "State of North Dakota" as claimant;
3. Time notice of lien was received;
4. Date of notice;
5. Amount of lien then due;
6. When satisfied.

The register of deeds shall endorse on each notice of lien the day, hour, and minute when received and shall preserve the same, and forthwith shall index said notice in the index book and shall record the lien in the manner provided for recording real estate mortgages. Such lien shall be effective as against subsequent creditors, purchasers, and encumbrancers from the time of the recording thereof. The tax commissioner shall pay a recording fee as provided by law for the recording of such lien, or for the satisfaction thereof; provided that the register of deeds shall accept any such lien for filing and recording when it is received whether or not the filing and recording fees are paid at that time.

Approved March 2, 1955.

CHAPTER 329

H. B. No. 811
(Sticka and Gress)

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 of title or possession, 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, including the leasing or renting, 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, including leasing or renting, 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 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, 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. "Gross receipts" shall also mean, with respect to the leasing or renting of tangible personal property, the amount of consideration, valued in money, whether received in money or otherwise, received from the leasing or renting of only such tangible personal property the transfer of title to which has not been subjected to a retail sales tax in this state;

7. "Relief agency" means the state, any county, city and county, city or district thereof, or 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, 1955 and ending the 30th day of June, 1957 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;
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 corporation;
7. Gross receipts from the sale, by any drug store, of drugs sold under a doctor's prescription; and
8. Gross receipts from sales of commercial fertilizers and from the sale of seeds, roots, bulbs and small plants to users or consumers for planting or transplanting for vegetable gardens or agricultural purposes.

§ 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 the 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	.....	1c tax
.75 to 1.24	.....	2c tax
1.25 to 1.74	.....	3c tax
1.75 to 2.24	.....	4c tax
2.25 to 2.74	.....	5c tax
2.75 to 3.24	.....	6c tax
3.25 to 3.74	.....	7c tax
3.75 to 4.24	.....	8c tax
4.25 to 4.74	.....	9c tax

4.75 to	5.24	.....	10c tax
5.25 to	5.74	.....	11c tax
5.75 to	6.24	.....	12c tax
6.25 to	6.74	.....	13c tax
6.75 to	7.24	.....	14c tax
7.25 to	7.74	.....	15c tax
7.75 to	8.24	.....	16c tax
8.25 to	8.74	.....	17c tax
8.75 to	9.24	.....	18c tax
9.25 to	9.74	.....	19c tax
9.75 to	10.24	.....	20c tax
Each additional 50c		.....	1c 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 last day of the month following the close of the first quarterly period as defined in the following section, and on or before the last 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 last day of the month next succeeding each quarterly period, the first of such periods being the period commencing with July 1, 1955;
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; provided that the register of deeds shall accept any such lien for filing and recording when it is received whether or not the filing and recording fees are paid at that time.

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 therein. It shall at all times be conspicuously displayed at the place for which issued;
4. Permits issued under the provisions of this section shall be valid and effective without further payment of fees until revoked by the commissioner;
5. Whenever the holder of a permit fails to comply with any of the provisions of this Act or any rules or regulations prescribed by the commissioner and adopted under

this Act, 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 to 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, 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 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 he may designate to give bond for the faithful performance of the duties in such sum and with such sureties as he 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 his 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 sources of income, profits, losses, expenditures or any particulars 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 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 or for other educational purposes specifically authorized by the legislature. The remaining five-twelfths of said trust fund shall be used and disbursed only for the payment of appropriations to be expended by public welfare board for the purpose authorized by law or for other welfare purposes specifically authorized by the legislature; 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 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 332 of the Session Laws of 1953, 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 17, 1955.

CHAPTER 330

S. B. No. 146
(Dewing, Page, Freed and Luick)

REPEALING DEFINITION OF "FUEL" AS PROPERTY
USED IN PROCESSING

AN ACT

To repeal subdivision b of subsection 3 of section 57-4001 of the North Dakota Revised Code of 1943, relating to definitions of processing.

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

§ 1. Repeal.) Subdivision b of subsection 3 of section 57-4001 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 1, 1955.

CHAPTER 331

H. B. No. 846
(Ziegler, Rosberg)
(At the request of
the state tax commissioner)

USE TAX AMENDMENTS

AN ACT

To amend and reenact subsections 2, 4, and 5 of section 57-4001, section 57-4002, subsection 2 of section 57-4003, and section 57-4010 of the North Dakota Revised Code of 1943 relating to definitions, imposition of the excise tax, exemptions, and credit for taxes paid in other states, and to create and enact subsection 10 of section 57-4001 of the North Dakota Revised Code of 1943 relating to definitions of "purchased at retail" and to create and enact subsection 8 of section 57-4003 of the North Dakota Revised Code of 1943 relating to exemptions.

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

§ 1. Amendment.) Subsection 2 of section 57-4001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. "Use" shall mean the exercise by any person of any right or power over tangible personal property incident to the ownership or possession of that property, except that it shall not include processing, or the sale of that property in the regular course of business;

§ 2. Amendment.) Subsection 4 of section 57-4001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. "Purchase" means any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration;

§ 3. Amendment.) Subsection 5 of section 57-4001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5. "Purchase price" means the total amount for which tangible personal property is sold, leased, or rented, valued in money, whether paid in money or otherwise, but cash discounts allowed and taken on sales shall not be included; "purchase price" shall also mean the total cost of fabricating, compounding, or manufacturing tangible personal property by a person for storage, use, or consumption by that person;

§ 4.) Subsection 10 of section 57-4001 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

10. "Purchased at retail" shall include, but shall not be limited to, the completion of the fabricating, compounding, or manufacturing of tangible personal property by a person for storage, use, or consumption by that person; "purchased at retail" shall also include, but shall not be limited to, the leasing or renting of tangible personal property, the sale, storage, use, or consumption of which has not been previously subjected to a retail sales or use tax in this state.

§ 5. Amendment.) Section 57-4002 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4002. Tax Imposed.) An excise tax is imposed on the storage, use, or consumption in this state of tangible personal property purchased at retail for storage, use, or consumption in this state, at the rate of two percent of the purchase price of such property. Except as limited by section 57-4010, an excise tax is imposed on the storage, use, or consumption in this state of tangible personal property not originally purchased for storage, use, or consumption in this state at the rate of two percent of the fair market value of such property at the time it was brought into this state.

§ 6. Amendment.) Subsection 2 of section 57-4003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2. Tangible personal property brought into this state by a nonresident thereof for his own storage, use, or consumption while temporarily within this state, except that such property shall not be exempt if brought into this state for storage, use, or consumption in the conduct of a trade, occupation, business, or profession;

§ 7. Amendment.) Section 57-4010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4010. Articles Taxed In Other States.) If any article or tangible personal property has been subjected already to a tax by any other state in respect to its sale or use in an amount less than the tax imposed by this chapter, the provisions of this chapter shall apply, but at a rate measured by the difference only between the rate fixed in this chapter and the rate by which the previous tax upon the sale or use was computed. If the tax imposed in such other state is two percent

or more, then no tax shall be due on such article. The provisions of this section shall apply only if such other state allows a tax credit with respect to the retail sales and use taxes imposed by this state which is substantially similar in effect to the credit allowed by this section.

§ 8. Amendment.) Section 57-4003 of the North Dakota Revised Code of 1943 is hereby amended by creating and enacting a new subsection 8 as follows:

8. Railway cars and locomotives used in interstate commerce, and tangible personal property which becomes a component part thereof.

Approved March 10, 1955.

CHAPTER 332

S. B. No. 168
(Dewing, Page)

REMOVING "TANGIBLE PROPERTY USED IN INTERSTATE
TRANSPORTATION OR COMMERCE" FROM
USE TAX EXEMPTIONS

AN ACT

To repeal subsection 3 of section 57-4003 of the North Dakota Revised Code of 1943, pertaining to exemptions under the Use Tax Act.

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

§ 1. Repeal.) Subsection 3 of section 57-4003 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 2, 1955.

CHAPTER 333

H. B. No. 810
(Gress and Sticka)

USE TAX; RETURN AND PAYMENT TIMES

AN ACT

To amend and reenact subsections 4, 5, and 6 of section 57-4006 of the North Dakota Revised Code of 1943 relating to and extending the time for filing returns required under the use tax law and relating to and extending the time for the payment of the tax due thereunder.

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

§ 1. Amendment.) Subsections 4, 5, and 6 of section 57-4006 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

4. Each retailer required or authorized, pursuant to this section, to collect such tax shall pay the tax in quarterly installments on or before the last day of the month next succeeding each quarterly period ending March thirty-first, June thirtieth, September thirtieth, and December thirty-first of each year. Every retailer, at the time of making the return required by this chapter, shall compute and pay to the commissioner the tax due for the preceding period;
5. The retailer, on or before the last day of the month following the close of the first quarterly period as defined in subsection 4 of this section, and on or before the last day of the month following each subsequent quarterly period of three months, 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 tax commissioner may require to enable him correctly to compute and collect such tax, but the tax commissioner, upon receipt of a proper showing by any retailer 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 retailer, the time in which he is required to make payment shall be extended for the same period. The commissioner, if he deems it necessary or advisable in order to insure the payment of the

tax, may require returns and payment of the tax to be made for other than quarterly periods, the provisions of this chapter to the contrary notwithstanding. A return shall be signed by the taxpayer or his duly authorized agent and must be verified by oath;

6. Any person who uses any property upon which the said tax has not been paid, either to the retailer or directly to the tax commissioner, shall be liable therefor, and, on or before the last day of the month next succeeding each quarterly period, shall pay the tax upon all such property used by him during the preceding quarterly period, in such manner and accompanied by such returns as the commissioner shall prescribe;

Approved March 7, 1955.

CHAPTER 334

H. B. No. 847

(Thompson of McLean, and Rosberg)

DESTRUCTION OF MOTOR VEHICLE FUEL TAX REFUND CLAIMS, INVOICES, ETC.

AN ACT

Providing for the destruction of motor vehicle fuel tax refund claims, invoices, and other items attached to such refund claims and repealing section 57-4133 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Destruction Of Motor Vehicle Fuel Tax Refund Claims.) Whenever necessary to obtain needed vault space, the state auditor may destroy motor vehicle fuel tax refund claims, dealer invoices, and other items attached to such claims paid under chapter 57-50 of the 1953 Supplement to the North Dakota Revised Code of 1943, when such instruments are more than six years old.

§ 2. Repeal.) Section 57-4133 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 7, 1955.

CHAPTER 335

H. B. No. 556
(Legislative Research Committee)

SPECIAL FUELS TAX ACT

AN ACT

Imposing a tax on special motor fuels, providing for the administration and enforcement thereof, providing a penalty, and repealing chapter 57-42 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 may be cited as the "Special Fuels Tax Act".

§ 2. **Statement Of Purpose.)** The purpose of this Act is to supplement the motor fuel tax Act as found in chapters 57-41, 57-43, and 57-48 of the North Dakota Revised Code of 1943, as amended, by imposing a tax upon the sale or delivery of all fuels not taxed under said motor fuel tax Act.

§ 3. **Definitions.)** As used in this Act, unless the context otherwise requires:

1. "Person" includes every natural person, fiduciary, association, or corporation. Whenever used in any cause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof;
2. "Highway" means every way or place generally open to the use of the public for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair, or reconstruction;
3. "Motor vehicle" means any vehicle propelled by an internal combustion engine and licensed for operation or operated upon the highways;
4. "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor fuel as defined in section 57-4101 of the North Dakota Revised Code of 1943, as amended;
5. "Sale" means the receipt, delivery or transfer of title to special fuels by a special fuel dealer to a special fuel

user except that it shall not include the receipt, delivery, or transfer of title to heating fuels when such fuel is delivered into a fuel tank connected with a heating appliance;

6. "Special fuel dealer" means any person in the business of handling special fuel who delivers or sells any part thereof to a special fuel user; and
7. "Special fuel user" means any person receiving or purchasing special fuel except that it shall not include a person purchasing or receiving heating fuels when such fuel is delivered into a fuel tank connected with a heating appliance nor shall it include a special fuel dealer purchasing or receiving special fuel for resale.

§ 4. Tax Imposed.) There is hereby levied and imposed an excise tax of six cents per gallon on the sale or delivery of special fuel to any special fuel user, except that special fuel for heating purposes which is delivered into a fuel tank connected with a heating appliance shall be exempt from the tax imposed by this Act. Said tax shall attach at the time of sale, delivery, or transfer of title of such special fuel to a special fuel user. Such tax shall be collected from the special fuel user by the special fuel dealer and paid over to the state auditor as hereinafter provided. The tax imposed herein shall be refundable when used for industrial, agricultural, or other nonhighway purposes, and the provisions and procedures of chapter 57-50 of the 1953 Supplement to the North Dakota Revised Code of 1943, as amended, relating to the refund of motor fuel taxes shall apply to the tax imposed by this Act.

§ 5. Special Fuel Dealer's License Required.) It shall be unlawful for any person to act as a special fuel dealer in this state unless such person is a holder of an uncanceled special fuel dealer's license issued to him by the state auditor. Application for a special fuel dealer's license shall be made to the state auditor and a separate license shall be required for each separate place of business or location where special fuels are regularly sold, delivered, or placed into the tanks of bulk supply vehicles for delivery into supply tanks of special fuel users. Such application shall be filed upon a form prepared and furnished by the state auditor and shall contain such information as the state auditor in his discretion shall require.

§ 6. Special Fuel Dealer's Bond.) No special fuel dealer's license shall be issued to any person or continued in force unless such person has furnished a surety bond in such form and amount as the state auditor shall require, but not less than the amount of five hundred dollars, to secure his compliance with this Act and the payment of all taxes, interest, and penalties due or to become due hereunder.

§ 7. Issuance In Term Of Licenses, Fees.) Upon receipt of the application and bond in proper form and upon the payment by the applicant of a special fuel dealer's license fee of ten dollars, the state auditor shall issue to the applicant a license to act as a special fuel dealer. The state auditor may refuse to issue a special fuel dealer's license to any person who formerly held such a license but which was revoked prior to the time of filing the application, or who is a subterfuge for the real party of interest whose license prior to the time of filing of the application has been revoked, or upon other sufficient cause being shown. Before such refusal the state auditor shall grant the applicant a hearing and give him at least ten days' written notice of the time and place thereof. Each special fuel dealer's license shall be valid until suspended or revoked for cause or otherwise canceled. No special fuel dealer's license shall be transferable.

§ 8. Revocation, Cancellation, And Surrender Of License And Bond.) The state auditor may revoke the license of any special fuel dealer for reasonable cause. Before revoking any such license the state auditor shall notify the licensee to show cause within fifteen days of the date of the notice why such license should not be revoked; provided, however, that at any time prior to and pending such hearing the state auditor may, in the exercise of reasonable discretion, suspend such license. The state auditor shall cancel any license to act as a special fuel dealer immediately upon the surrender thereof by the holder.

§ 9. Special Fuel Dealer's Records.) For each location where special fuel is sold or delivered to any special fuel user the special fuel dealer making such sale or delivery shall prepare and maintain such records as the state auditor may reasonably require with respect to all sales and deliveries, and with respect to inventories, receipts, purchases, sales, or other dispositions of special fuel. The records required under this section shall be retained for a minimum period of three years and shall be available at all reasonable times for examination by the state auditor.

§ 10. Monthly Returns And Payments.) For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer shall file with the state auditor on forms prescribed by the auditor, a monthly tax return. Such returns shall contain a sworn statement to the effect that the statements and claims contained therein are true and are made under the penalties of perjury. The return shall show, with reference to each location at which special fuel is sold, delivered or placed by such dealer, such information as the state auditor may reasonably require for the proper administration

and enforcement of this Act. The special fuel dealer shall file such return on or before the tenth day of the next succeeding calendar month following the monthly period to which it relates. Such reports shall be considered filed on time if mailed in an envelope properly addressed to the state auditor and postmarked before midnight of the final filing date. The state auditor may, for good cause, grant a taxpayer a reasonable extension of time for filing such returns. The tax imposed by this Act shall be computed by each special fuel dealer by multiplying the rate of tax per gallon provided in this Act by the number of gallons of special fuel sold or delivered by him to special fuel users. The monthly tax return shall be accompanied by remittance covering the tax due hereunder on special fuels sold or delivered to special fuel users during the preceding month; except that the special fuel dealer, at his option, may pay only fifty percent of the tax collected to the state auditor at the time above specified, but in such event shall pay the balance of the tax due within four months from the date the above mentioned tax return is due or by the last day of the calendar year in which the sale of taxable fuel was made, whichever shall first occur.

§ 11. Distribution Of Tax.) All money collected by the state auditor under the provisions of this Act shall be transferred to the state treasurer who shall credit seventy-nine percent of all such money so received to the state highway department construction fund and such moneys are hereby appropriated for use by the state highway department in the construction and reconstruction of highways, roads, streets, and bridges of this state under the jurisdiction of the state highway department. Twenty-one percent of the money so received by the state treasurer shall be credited to the county highway aid fund and shall be distributed to the counties in the manner, and at the times, and for the purposes provided for in section 57-4113 of the North Dakota Revised Code of 1943, as amended.

§ 12. Refusal Or Failure To File Return Or Pay Tax When Due, Deficiencies, Penalties.) In case any special fuel dealer refuses or fails to file a return required by this Act within the time prescribed by section 10 of this Act, there is hereby imposed a penalty of three dollars or a sum equal to two percent of the tax due, whichever is greater, together with interest at the rate of one percent per month on the tax due, for each calendar month or fraction thereof during which such refusal or failure continues. The state auditor, in his discretion for good cause shown, may waive the penalty provided by this section. Where a special fuel dealer files a return but fails to pay in whole or in part the tax due hereunder, there shall be added to the amount due and unpaid, interest at the rate of

one percent per month or fraction thereof from the date such tax was due to the date of payment in full thereof. If it be determined by the state auditor that the tax reported by any special fuel dealer is deficient, he shall proceed to assess the deficiency on the basis of information available to him and there shall be added to this deficiency interest at the rate of one percent per month or fraction thereof from the date the return was due.

§ 13. Determination If No Return Made.) If any special fuel dealer, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax return when due, the state auditor shall, on the basis of information available to him, determine the tax liability of the special fuel dealer for the period during which no return was filed, and to the tax thus determined the state auditor shall add the penalty and interest as provided in section 12 of this Act. An assessment made by the state auditor pursuant to this section or to section 12 of this Act shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by fair preponderance of evidence that it is erroneous or excessive, as the case may be.

§ 14. Fraudulent Return.) If any special fuel dealer shall file a false or fraudulent return with intent to evade the tax imposed by this Act, there shall be added to the amount of the deficiency, determined by the state auditor, a penalty equal to ten percent of the deficiency together with interest at two percent per month, or fraction thereof on such deficiency, from the date such tax was due to the date of payment, in addition to all other penalties prescribed by law. Except in the case of a fraudulent return or of willful neglect or refusal to make a return, every deficiency shall be assessed under section 12 of this Act within three years after the first day of the next succeeding calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

§ 15. Erroneously Or Illegally Collected Taxes.) In the event that any taxes, penalties, or interest imposed by this Act have been erroneously or illegally collected from a special fuel dealer, the state auditor may permit such special fuel dealer to take credit against a subsequent tax return for the amount of the erroneous or illegal overpayment, or shall certify the amount thereof to the state auditor who shall thereupon draw his warrant for such amount on the state treasurer to such special fuel dealer. Such refund shall be

paid to the special fuel dealer from undistributed funds received from the tax imposed by this Act.

§ 16. Presumption.) For the purpose of enforcing the provisions of this Act it shall be prima facie presumed that all special fuel received by a special fuel dealer and placed into storage or dispensing equipment normally designed to transfer and meter such fuel into the fuel tanks of motor vehicles, was in fact resold and delivered to special fuel users. The state auditor shall have authority to require that all such storage or dispensing equipment normally used to meter and transfer special fuels into the fuel tanks of motor vehicles be metered by such suitable sealed metering device as may be prescribed by him.

§ 17. Rules And Regulations, Administration.) The state auditor shall enforce the provisions of this Act and may prescribe, adopt, and enforce reasonable rules and regulations relating to the administration and enforcement thereof. The state auditor may examine the records of special fuel dealers and make other such investigations as he may deem necessary in the administration and enforcement of this Act.

§ 18. Violations.) It shall be unlawful for any person to:

1. Refuse or knowingly or intentionally fail to make and file any statement required by this Act in the manner or within the time required;
2. Knowingly, or with intent to evade or aid in the evasion of the tax imposed herein, to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this Act;
3. Conduct any activities requiring a license under this Act without such a license or after such license has been surrendered, canceled, or revoked;
4. Assign or attempt to assign a license to act as a special fuel dealer;
5. Receive special fuel in this state into the tanks of a motor vehicle or into supply tanks for eventual use in a motor vehicle upon the highways of this state from a person not holding a valid license as a special fuel dealer;
6. Fail to keep and maintain such books, records, or metering devices as may be required by this Act.

§ 19. Penalties.) Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment of not more than thirty days, or by both such fine and imprisonment.

Upon such conviction the state auditor shall revoke for a period of not less than one year the special fuel dealer's license of any special fuel dealer convicted of violating this Act. The fine and imprisonment and revocation of license, provided for in this section, shall be in addition to any other penalty imposed by other provisions of this Act.

§ 20. Disposition Of Funds.) All interest and penalties collected under this Act, except for fines levied upon conviction for violation hereof, shall be credited to the state highway department construction fund.

§ 21. Repeal.) Chapter 57-42 of the North Dakota Revised Code of 1943, as amended, is hereby repealed.

Approved March 10, 1955.

CHAPTER 336

H. B. No. 534

(Legislative Research Committee)

ADDITIONAL ONE-CENT REFUNDABLE MOTOR FUEL TAX LEVY

AN ACT

To amend and reenact sections 57-4111, 57-4305, 57-4302, 57-4304, 57-4306, 57-4307 and 57-4309 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to gasoline excise taxes, and providing for the levy of an additional one-cent refundable motor fuel tax.

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

§ 1. Amendment.) Section 57-4302 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4302. Tax Imposed On Sales Of Motor Vehicle Fuels.) There is hereby imposed a tax of two cents 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 two cents per gallon imposed on such sales.

§ 2. Amendment.) Section 57-4304 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4304. 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 two cents per gallon on all motor vehicle fuel sold by him, except as provided in section 57-4302, as a part of the selling price thereof.

§ 3. Amendment.) Section 57-4306 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4306. 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 chapter, such purchaser on the fifteenth day of each month shall remit and pay to the state auditor the tax of two cents a gallon due on such motor vehicle fuel.

§ 4. Amendment.) Section 57-4307 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4307. Appropriation Of Proceeds Of Tax.) The proceeds of such special tax of two cents 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.

§ 5. Amendment.) Section 57-4309 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4309. Penalty.) Any dealer, person or association of persons, firm, or corporation violating any provisions of this chapter, or any person, firm or corporation making any false statement in any report required by this chapter, or failing or neglecting to collect or charge the two cents 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.

§ 6. Amendment.) Section 57-4111 of the 1953 Supplement to 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; except that any dealer, at his option, may pay only fifty percent of the tax collected to the state auditor at the time above specified, but in such event shall pay the balance of tax due within four months from the date the statement provided for in section 57-4105 is due, or by the last day of the calendar year in which the sale of taxable fuel was made, whichever shall first occur.

§ 7. Amendment.) Section 57-4305 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4305. 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 not later than the fifteenth day of the calendar month following the month of sale, who shall receipt to the dealer therefor, and forthwith shall pay over all the money thus received to the state treasurer; except that any dealer, at his option, may pay only fifty percent of the tax collected to the state auditor at the time above specified, but in such event shall pay the balance of tax due within four months from the date such tax was due as above specified or by the last day of the calendar year in which the sale of taxable fuel was made, whichever shall first occur.

Approved March 10, 1955.

CHAPTER 337

H. B. No. 539

(Legislative Research Committee)

ONE CENT FUEL TAX—RETIREMENT OF
HIGHWAY ANTICIPATION CERTIFICATES

AN ACT

To amend and reenact sections 57-4809, 57-4813, 57-4815, and 57-4816 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to state highway anticipation certificates and the one cent motor fuel tax imposed for the retirement thereof.

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

§ 1. **Amendment.**) Section 57-4809 of the 1953 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 and for the purpose of constructing and reconstructing highways, roads, streets, and bridges in this state, 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.

§ 2. **Amendment.**) Section 57-4813 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4813. Special Fund For Payment And Retirement Of Certificates.) There is hereby created a special fund to be used solely for the payment and retirement of the certificates authorized and to be issued under the provisions of this Act and the payment of the interest to accrue upon said certificates, said special fund to be known as "state highway revenue anticipation certificate retirement fund," into which fund the state treasurer shall pay or transfer all moneys derived from said one cent (1¢) motor vehicle fuel tax and all moneys directed

by this Act to be transferred thereto from the state highway fund until such time as all state highway revenue anticipation certificates authorized by this chapter have been issued and retired. After the retirement of all such certificates, all moneys derived from said one cent of motor vehicle fuel tax and remaining balances in the state highway revenue anticipation certificate fund shall be transferred by the state treasurer to the state highway construction fund and such funds are hereby appropriated for the purpose of construction and reconstruction of highways, roads, streets, and bridges within this state.

§ 3. Amendment.) Section 57-4815 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4815. Transfers To Retirement Fund Not Subject To Deductions For Administrative Costs.) The total proceeds of said special license tax of one cent (1¢) per gallon and any moneys transferred to said state highway revenue anticipation certificate retirement fund from the state highway fund, as herein provided, are hereby appropriated and allocated without any deduction for administrative costs whatever and shall be expended only for the payment of the interest to accrue upon said certificates and the payment of the principal and the retirement of said certificates as the same mature or become payable, until all such authorized and issued certificates have been retired.

§ 4. Amendment.) Section 57-4816 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-4816. Proceeds From Fuel Tax Pledged For Payment Of Certificates; When Fuel Tax May Terminate.) The total proceeds of said one cent (1¢) per gallon motor vehicle fuel tax and any moneys transferred or to be transferred under section 57-4814 from the state highway fund to said state highway revenue anticipation certificate retirement fund are hereby irrevocably pledged for the payment of the principal and interest of said certificates, and so long as any of said certificates remain outstanding and unpaid, the laws imposing said taxes shall not be repealed nor shall the same be altered or amended by reducing the amount or the requirement for the collection, disposition and use of said taxes, as herein and in the laws imposing said taxes provided. When there are sufficient funds in said state highway revenue anticipation certificate retirement fund to retire all authorized outstanding and unpaid certificates, the proceeds of said tax shall be transferred to the state highway construction fund as provided in section 2 of this Act.

Approved February 24, 1955.

CHAPTER 338

S. B. No. 42
(Legislative Research Committee)

REPEAL OF MINERAL RIGHTS PRIVILEGE TAX

AN ACT

To repeal chapter 57-49 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to mineral rights privilege tax.

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

§ 1. Repeal.) Chapter 57-49 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 26, 1955.

CHAPTER 339

S. B. No. 75
(Sayer)

ASSIGNMENT OF CLAIM FOR REFUND OF MOTOR FUEL TAX

AN ACT

Relating to refunds of motor fuel tax where the motor fuel has been used for agricultural or industrial purposes, and allowing the buyer to assign his claim for refund to a dealer selling such fuel to him on open account.

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

§ 1.) Any person eligible for motor fuel tax refund under chapter 57-50 of this title, who has been sold such fuel by a seller on open account with the seller paying the refundable fuel tax, may assign to such seller his claim for such refund by attaching the assignment agreement to the refund claim form to be submitted by the claimant in accordance with section 57-5002 of the 1953 Supplement to the North Dakota Revised Code of 1943. Where such assignment of claim is made, and the claim is allowed under the provisions of chapter 57-50, the check or warrant issued therefor shall be made payable to both the claimant and his assignee hereunder.

Approved March 1, 1955.

TOWNSHIPS

CHAPTER 340

H. B. No. 600
(Beede, Schmalenberger)

FIRE PROTECTION; TAX; CONTRACT

AN ACT

Relating to contracts for fire protection in unorganized townships or in school districts comprising unorganized townships and authorizing a tax for the payment thereof.

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

§ 1. Contracts For Fire Protection In Unorganized Townships; Mill Levy.) Upon the petition of a majority of the electors in one or more unorganized townships or in school districts comprising unorganized townships, the board of county commissioners shall have authority to execute contracts with any incorporated municipality of this or adjacent states to provide for the prevention of, the protection from, and the extinguishment of fires within such unorganized townships or districts in such manner as may be agreed upon by the board of county commissioners and the governing body of the municipality contracting to perform such services. The board of county commissioners is further authorized to levy a sum sufficient for the reimbursement of municipalities performing such services upon all taxable property within the unorganized townships or school district comprising unorganized townships for which such fire protection service is provided. The mill levy provided herein shall be over and above any mill levy limitation provided by law and shall be collected and paid as other county taxes are collected and paid. The proceeds of such tax shall be placed by the county treasurer in a special fund for the reimbursement of the municipality providing fire protection service to the unorganized townships or districts from which the tax is collected, and shall be disbursed upon the order of the board of county commissioners.

Approved March 8, 1955.

CHAPTER 341

H. B. No. 659

(Power, Scott, Spitzer, and Renfrow)

ANNUAL OR SPECIAL TOWNSHIP MEETINGS;
ORGANIZATION; CLOSING

AN ACT

To amend and reenact section 58-0405 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to organization of annual or special township meetings and providing for five o'clock p. m. closing.

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

§ 1. **Amendment.)** Section 58-0405 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0405. Organization Of Annual Or Special Meetings.) The electors present at one o'clock p.m. of the day of the annual or special meeting shall be called to order by the township clerk, or if he is not present, the voters may elect by acclamation one of their number to act as chairman for the purpose of calling the meeting to order and to act as clerk after the selection of a moderator. The voters shall elect by acclamation three of their number as judges, and such judges shall be sworn and shall act as the judges of the qualifications of township electors. The electors shall proceed to choose one of their number to preside as moderator of the meeting. The clerk of the township if present, or in his absence, the clerk of the meeting, shall keep full minutes of its proceedings in which he shall enter at length every order, direction, rule, and regulation made by the meeting. The moderator shall close the meeting at five o'clock p. m.

Approved March 11, 1955.

CHAPTER 342

H. B. No. 851
(Anderson of Cass and Simenson)

VACANCIES IN TOWNSHIP OFFICES

AN ACT

To amend and reenact section 58-0516 of the North Dakota Revised Code of 1943 relating to vacancies in township offices, the manner of filling the same, the term of office, and repealing section 44-0206 of the North Dakota Revised Code of 1943.

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

§ 1. **Amendment.**) Section 58-0516 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

58-0516. Vacancies; How Filled; Term Of Office; Powers Of Person Appointed.) If the electors of a township fail to elect the proper number of officers, or a person elected to a township office fails to qualify, or a vacancy happens in any such office from death, resignation, removal from the township, or other cause, the board of township supervisors, or a majority of them, shall fill the vacancy by appointment, and the person so appointed shall hold his office until the next annual meeting and until his successor is elected and qualified.

§ 2. **Repeal.**) Section 44-0206 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 10, 1955.

TRUSTS, USES, AND POWERS

CHAPTER 343

S. B. No. 93
(Duffy)

RESTRICTIONS ON PURPOSES FOR CREATION OF EXPRESS TRUSTS

AN ACT

To amend and reenact subsections 3 and 4 of section 59-0302 of the North Dakota Revised Code of 1943 relating to restrictions on the purposes for which express trusts may be created.

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

§ 1. Amendment.) Subsections 3 and 4 of section 59-0302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

59-0302. Purposes For Which Express Trusts Created.) Express trusts may be created for any of the following purposes:

1. To sell real property and apply or dispose of the proceeds in accordance with the instrument creating the trust;
2. To mortgage or lease real property for the benefit of annuitants or other legatees or for the purpose of satisfying any charge thereon;
3. To receive the rents and profits of real property and pay or apply them to the use of any person, whether ascertained at the time of the creation of the trust or not, for himself or for his family during the life of such person or for any shorter term, subject to the rules of the title Property; or
4. To receive the rents and profits of real property and to accumulate the same for the purposes and within the limits prescribed by chapter 3 of the title Property.

Approved February 26, 1955.

WAREHOUSING AND DEPOSITS

CHAPTER 344

H. B. No. 762
(Scott and Snortland)

GRAIN ELEVATOR WEIGHMASTERS

AN ACT

Authorizing the public service commission to appoint grain elevator weighmasters; prescribing qualifications, authorizing the public service commission to prescribe fees; providing for remuneration of weighmasters, revocation of license and providing a penalty, and declaring an emergency.

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

§ 1. Weighmaster's License; By Whom Issued; Application: Qualifications; Bond; Renewal.) The public service commission of the state of North Dakota shall issue a grain elevator weighmaster license to any person of good moral character who is a paid employee of a municipality, chamber of commerce or other similar organization and who is not an interested party, either as an owner or employee of any grain elevator and who shall in no manner be interested in the handling, storing, shipping, purchasing or selling of grain or any of its products, nor in the employment of any person or corporation engaged therein, nor shall he be a member of any board of trade or organization of like character: who shall

1. Make written application therefor;
2. Pay a license fee of five dollars; and
3. File in the office of the public service commission a bond issued by a corporate surety company authorized to do business in this state. Such bond shall run to the state of North Dakota. It shall be in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties as such weighmaster. The term of such license and bond shall be for two years and the license shall be renewable upon the same terms as are specified for an original license. The cost of the bond shall be borne by the applicant for a license. Upon default of a weighmaster in any of the provisions of his bond, any person injured thereby may bring an action thereon in the name of the state of North Dakota.

§ 2. Weighmaster's Records And Certificates.) All weighmasters licensed under this chapter shall keep such records as may be prescribed by the public service commission, and shall furnish to any person for whom weighing is done a

certificate under his hand, in the name of the state of North Dakota on a form to be prescribed by the public service commission showing the amount of each weight, the number and initial letter or other distinctive mark of each car or truck weighed, the place and date of weighing, and the contents of the car or truck. Such certificate shall be prima facie evidence of the facts therein certified.

§ 3. Fees To Be Prescribed By The Public Service Commission.) The public service commission shall prescribe a schedule of fees to be charged for official weighing of grain at grain elevators. Said fees so prescribed may be modified or changed, either on the commission's own motion or upon request of any interested party after a hearing thereon. Said hearing shall be held only after the giving of twenty days' notice to the person or persons claiming an interest in said schedule of fees.

§ 4. Revocation Of Grain Elevator Weighmaster's License; Notice And Hearing.) Any person may make a written complaint to the public service commission against any licensed weighmaster. If the complaint on its face appears to be meritorious, the public service commission shall give the complainant and the weighmaster complained against at least twenty days' notice of the time and place where hearing will be had on such complaint. Such notice may be given to the complainant by mail but shall be served upon the weighmaster personally or by registered mail. The notice served upon the weighmaster shall contain or be accompanied by a clear and concise statement of the charges made against him and shall notify him that unless an answer to such charges is served upon the commission at least three days prior to the date specified for the hearing the charges will be deemed admitted and the license canceled. At such hearing the presiding commissioner or examiner designated by the commission may administer oaths and shall hear such evidence as may be submitted on behalf of the complainant and of the weighmaster and upon such evidence the commission shall make its order dismissing the complaint or canceling the license, whichever is warranted in its judgment by the evidence.

§ 5. Penalty For Wrongful Weighing Or Issuing Of A False Scale Ticket.) The wrongful weighing or the issuing of a false ticket by a weighmaster shall be a misdemeanor punishable by imprisonment in the county jail for not more than thirty days or by a fine of not more than one hundred dollars or by both such fine and imprisonment.

§ 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 10, 1955.

WATERS

CHAPTER 345

S. B. No. 197
(Duffy)

PUBLIC WATERS; RECIPROCAL RIGHTS OF OWNERS

AN ACT

To amend and reenact section 61-0101 of the North Dakota Revised Code of 1943, relating to public waters.

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

§ 1. **Amendment.**) That section 61-0101 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

61-0101. Waters Of The State; Public Waters.) All waters within the limits of the state from the following sources of water supply, namely:

1. Waters on the surface of the earth excluding diffused surface waters but including surface waters whether flowing in well defined channels or flowing through lakes, ponds, or marshes which constitute integral parts of a stream system, or waters in lakes; and
2. Waters under the surface of the earth whether such waters flow in defined subterranean channels or are diffused percolating underground waters;

belong to the public and are subject to appropriation for beneficial use and the right to the use of these waters for such use, shall be acquired pursuant to the provisions of chapter 61-04 of the Revised Code of North Dakota of 1943 and acts amendatory thereof.

§ 2. **Reciprocal Rights Of Riparian Owners.)** The several and reciprocal rights of a riparian owner, other than a municipal corporation, in the waters of the state comprise the ordinary or natural use of water for domestic and stock-watering purposes.

Approved March 5, 1955.

CHAPTER 346

H. B. No. 713

(Fristad, Schmidt, Knudson (Morton), Simonson,
(Heimes, Anderson, Lee and Leet)WATER CONSERVATION AND FLOOD CONTROL DISTRICTS;
HEARINGS; TAX LEVY

AN ACT

To amend and reenact sections 61-1602, 61-1605, 61-1615 and section 61-1620 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to water conservation and flood control districts.

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

§ 1. **Amendment.)** Section 61-1602 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted so as to read as follows:

61-1602. Water Conservation And Flood Control Districts; Requirements, Results After Hearing And Investigation.) Whenever there is presented to the state water conservation commission a petition signed by a county, city, village or township, or by any cooperative grazing association or by fifty percent or more of the freeholders within the limits of a proposed water conservation and flood control district the commission shall fix a date and place for a public hearing on the petition. The place of such hearing shall be convenient and accessible for the majority of freeholders in the proposed district. At least ten days prior to the date of the hearing a notice thereof shall be published in a newspaper of general circulation in the district. Prior to such hearing the state engineer, as chief engineer for the commission, shall make, or cause to be made, an investigation of the need for the proposed district and shall submit a report of his findings to the commission and such report shall be read at the hearing on the petition. If after the hearing the commission finds that it is not feasible, desirable or practical to establish the proposed district it shall make an order denying the petition and shall state therein its reasons for its action. If, however, after investigation and hearing, the commission shall find that the problems of flood control, watershed development or improvement, drainage, water supply or other reasons make the establishment of the proposed water conservation and flood control district desirable, proper and necessary, the commission shall grant the petition and establish such district, and fixing the boundaries thereof.

§ 2. **Amendment.)** That section 61-1605 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted so as to read as follows:

61-1605. Area To Be Included Within District; How Determined.) In determining the area or areas to be included within the water conservation and flood control district, the commission shall disregard township and county boundaries and shall consider only the watershed and drainage areas to be affected by the water development proposed and the probable future development and improvement thereof. Whenever practicable, such boundaries shall follow section lines.

§ 3. **Amendment.)** That section 61-1615 of the 1953 Supplement to the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted so as to read as follows:

61-1615. Tax Levy By Board Of County Commissioners; Amount By Special Assessments.) At the time of levying taxes for county purposes the board of county commissioners shall consider the estimated expenses certified by each district for the ensuing year and shall levy a tax upon all taxable property therein of not to exceed three mills on each dollar of taxable valuation to cover such estimated expenses, including costs of rights-of-way, easements or other interests in property required for construction, operation and maintenance of any project established therein. Funds produced each year by such levy shall be available for district expenses until expended. If the tax levy in any year will not raise sufficient revenue to pay such costs a sufficient fund may be accumulated to pay the same. The proceeds produced by such tax shall be credited by the county auditor and county treasurer to the district for which it was levied. Such tax levy on taxable property in a district shall be in addition to the mill levy on property therein for county purposes. The acquisition of rights-of-way, easements and the construction, operation and maintenance of a project in a district may, in the discretion of the board, be financed in whole or in part by special assessments against property benefited by such project as provided in this Act, or the board may meet such expenses by a combination of a tax levy and special assessments.

§ 4. **Amendment.)** That section 61-1620 of the 1953 Supplement to the North Dakota Revised Code of 1943 be and the same is hereby amended so as to read as follows:

61-1620. Appearance Of Persons To Express Opinion; Discontinuance Of Proceedings Regarding.) All persons whose land may be affected by a water conservation or flood control project may appear and express their opinion and offer evidence upon matters pertaining thereto. Should two-thirds

of the landowners whose land is subject to assessment for such project, and who own at least one-half of such land, petition the board within fifteen days after such hearing to have further proceedings discontinued, the board, by resolution, shall order all further proceedings in connection therewith discontinued. If no such petition is filed and the board determines to proceed, it shall conduct all proceedings with reference to determining the damages and assessing the benefits to result from such project in accordance with the laws governing the assessment of damages, the payment of damages, the assessment of accruing benefits, the review and return thereof, the computation, apportionment, and taxation of costs, and all other proceedings in connection with the issuance of special assessment warrants and the retirement thereof by payment and the issuance of bonds, substantially in conformity with the procedure and manner now or hereafter provided by law with reference to the establishment and construction of drains under the jurisdiction of a county board of drain commissioners.

Approved March 7, 1955.

CHAPTER 347

S. B. No. 33
(Legislative Research Committee)

DRAINAGE PROJECTS

AN ACT

Relating to drainage projects; providing for the establishment of drainage boards and drainage districts and the operations thereof; and providing a penalty; and repealing chapter 61-21 of the North Dakota Revised Code of 1943, as amended.

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

§ 1. Definitions.) In this chapter, unless the subject matter otherwise requires:

1. The word "drain" shall include any natural water course opened, or proposed to be opened, and improved for the purpose of drainage and any artificial drains of any nature or description constructed for such purpose, including dikes and appurtenant works;
2. "Board" shall mean the board of drainage commissioners;

3. "Cleaning out and repairing of drain" shall include deepening and widening of drains as well as removing obstructions or sediment, and any repair necessary to return the drain to a satisfactory and useful condition;
4. "Lateral drain" shall mean a drain constructed after the establishment of the original drain or drainage system and which flows into such original drain or drainage system from outside the limits of the original drain; and
5. "Affected landowners" shall mean landowners whose land is subject to assessment.

§ 2. Water Courses, Ditches And Drains May Be Constructed, Maintained, Repaired, Improved, Or Extended.) Water courses, ditches, drains, and improvements thereto for the drainage of sloughs and other low lands may be surveyed and investigated and established, constructed, maintained, repaired, improved, and cleaned out in the several counties of this state under the provisions of this chapter wherever the same shall be conducive to the public health, convenience, or welfare. The powers conferred by this Act and this section shall extend to and include but shall not be limited to:

1. The deepening and widening or any necessary improvement of drains which have been or hereafter may be constructed;
2. The straightening, clearing, or cleaning out and deepening of channels of creeks, streams, and rivers, and the construction, maintenance, remodeling, repairing, and extension of levees, dikes, and barriers for the purpose of drainage;
3. The location or extension of any drain if such location or extension is necessary to provide a suitable outlet or reasonably drain lands within a practical drainage area of such drains;
4. The establishment, in whole or in part, of a drain and the completion of the same on the line of an abandoned or invalid drain; and
5. The establishment and construction of lateral drains with outlets in drains already constructed.

§ 3. Board Of Drainage Commissioners: Appointment; Term; Removal Of; Compensation.) The board of county commissioners of any county in this state, at any meeting of such board, by majority vote of all the members upon its own motion, or on the petition of any interested person, may

appoint three residents of the county to the board of drainage commissioners of such county. The members of the board shall be appointed for terms of three years each and their terms shall be so arranged that the term of one member shall expire each year. Each member of the board shall hold his office until his successor is appointed and qualified. The board of county commissioners may remove any or all of such drain commissioners and shall appoint successors to fill any vacancies that occur. Each member of the board shall be paid the sum of ten dollars per day for each day actually employed in the performance of his duties as a drainage commissioner, and shall be compensated for expenses incurred in the performance of these duties in the manner and amounts as provided in chapter 44-08 of the North Dakota Revised Code of 1943.

§ 4. State And County Officers Not Eligible As Drain Commissioners; Matters Of Personal Interest To Drain Commissioners.) No person holding any state or county office shall be eligible for the office of drain commissioner, and any drain commissioner accepting any state or county office shall be deemed to have vacated the office of drain commissioner. No member of the board shall be qualified to act as such in any matter or proceeding before the board in which he is personally or financially interested and the board of county commissioners shall appoint an alternate commissioner who shall act in the place of any disqualified or absent commissioner, but shall so act only upon matters in which a commissioner is disqualified or while a commissioner is actually absent from an entire meeting of the drainage board. The term of office of such alternate commissioner shall be three years.

§ 5. Powers Of Board.) The board shall have all powers provided in section 2 and elsewhere in this Act, except as specifically limited by this Act. A drain commissioner may administer any oath required in any proceeding had before the board or in which such member may be called to act officially. The board of drain commissioners of any county may make rules and regulations on the subject of drainage within such county as it may deem proper, not inconsistent with the provisions of this chapter, including regulations in regard to clearing out and keeping clear the channels of streams and the construction and maintenance of dams thereon. Such regulations shall have reference to the capacity of such streams for drainage and may require the owners of dams to perform reasonable service in cleaning and keeping such streams clear, as consideration for the right to erect dams thereon.

§ 6. Board's Report To Board Of County Commissioners; Contents; Inspection Of; Liability Of Drain Commissioner On Bond.) The board shall make an annual report to the board

of county commissioners of all drains begun, in process of construction, or finished, and shall render a full account of all moneys which shall come into its hands. The report required by this section shall include an itemized statement of all expenses and warrants drawn on account of each drain. The books, records, and accounts of the board at all times shall be subject to inspection, audit, and investigation by the board of county commissioners. Every drain commissioner shall be liable on his bond for any misapplication of money coming into his hands as such commissioner.

§ 7. Oath And Bond Filed By Drain Commissioners; Organization Of Board; Quorum.) Any person appointed as a member of the board within ten days after his appointment shall take, subscribe, and file in the office of the county auditor an oath faithfully to perform the duties of a drain commissioner, and at the same time he shall make, execute, and file in the auditor's office a bond to the county in the sum of two thousand dollars to be approved by the auditor, conditioned for the faithful discharge of his duties as drain commissioner. The members of the board, upon qualifying for their office, shall organize by electing one of their members as chairman, who shall serve for a period of one year from the date of his election as chairman. Two members of the board shall constitute a quorum for the transaction of business.

§ 8. Office, Records, Clerk, And Employment of Personnel.) The board of county commissioners shall provide suitable office space for the board of drainage commissioners and their employed personnel. The county auditor or person designated by him shall act as clerk of the drainage board and shall maintain records of all the proceedings and acts of such board. Such records shall be open for public inspection and shall have the same force and effect as other public records. The state's attorney in each county shall furnish such legal assistance to the board as it may request. The board shall have power to employ all additional legal, clerical, or technical assistance as may be necessary for the performance of its duties. All notices and communications signed by the attorney or clerk of the board shall be deemed to have come from the board.

§ 9. Levy For Administrative Expense; Payment Of Commissioners' Salaries And Overhead Expense.) The board of county commissioners shall have authority to levy a sufficient amount, not to exceed one-tenth mill in any year, upon all taxable real and personal property in the county for the purpose of paying salaries of drainage board commissioners, office and administrative expenses of the board, or other items of expense that cannot be directly allocated to any specific drainage district. Such levy shall be over and above any mill levy

limitation provided by law and the proceeds thereof shall be placed in a special fund by the county treasurer, to be known as the "county drainage board fund" and shall be disbursed for the purposes stated in this section upon the order of the board of county commissioners.

§ 10. Petition For Construction Of Drain: Purposes Of Drain: Signers To Petition.) A written petition for the construction of a drain may be made to the board. Such petition shall designate the starting point, terminus, and general course of the proposed drain. If among the leading purposes of the proposed drain are benefits to the health, convenience, or welfare of the people of any city or village, the petition shall be signed by a sufficient number of the property owners of such city or village to satisfy the board that there is a public demand for such drain. The petition shall be signed by at least six property owners or a majority of the landowners within the proposed district whose property will be drained by the proposed drain.

§ 11. Bond Required From Petitioners.) The board shall require the petitioners referred to in section 10 of this Act to file a bond with the petition in a sum sufficient to pay all expenses of surveys and of the drainage commissioners should the petition be later denied.

§ 12. Examination Of Line For Drain; Designation Of Surveyor; Specifications; Cost Estimates.) Upon presentation of a petition as provided in section 10 of this Act, the board shall examine the line of the proposed drain, and if in its opinion further proceedings are warranted, it shall adopt a resolution to that effect and designate a competent surveyor or engineer to assist the board. For the purpose of making examinations or surveys, the board or its employees may enter upon any land traversed by any proposed drain or any other lands necessary to gain access thereto. The surveyor or engineer shall prepare profiles, plans, and specifications of the proposed drain, estimates of the total cost thereof, and a map or plan of the lands to be drained showing the regular subdivisions thereof, which map or plan shall be filed in the office of the county auditor for inspection by the public. In determining the best location for the proposed drain, the board may in its discretion set the location on lines differing from the lines described in the petition. When the length of line described in the petition does not give sufficient fall to drain the land sought to be drained, the board may extend the drain below the outlet named in the petition. The estimate of costs prepared by the surveyor or engineer shall be in sufficient detail to allow the board to determine the probable share of

the total costs that will be assessed against each of the affected landowners in the proposed drainage district.

§ 13. Hearing On Petition To Establish Drain And Surveyor's Report; Notice Of.) Upon the filing of the surveyor's or engineer's report provided for in section 12 of this Act, the board shall fix a date and place for public hearing on the petition. Such place of hearing shall be in the vicinity of the proposed drain and shall be convenient and accessible for the majority of the landowners subject to assessment for such drain. At least ten days' notice of such hearing shall be given by publishing a notice at least once in the official newspaper of the county in which such proposed drain is located. In addition, each owner of land subject to assessment for the proposed drain as shown by the record in the office of the register of deeds or county treasurer shall be mailed a notice of such hearing at his post office address as shown by such records. Notices of such hearing shall contain a copy of the petition and the time and place where the board will act upon the petition. An affidavit of mailing signed by the attorney or clerk of the board or other person mailing such notices shall be filed with the county auditor who shall file such affidavit with the records of the proceedings pertaining to that drain. All persons whose land may be subject to assessment for such drain may appear before the board, fully express their opinions, and offer evidence upon the matters pertaining thereto.

§ 14. Conduct Of Hearing On Petition To Establish Drain.) Prior to the hearing provided for in section 13 of this Act, the board shall first prepare a roster or roll of affected landowners subject to assessment for such drain, and shall limit voting rights to such affected landowners. A record shall be made by the board of affected landowners present in person or by agent and such records shall be preserved in the minutes of the meeting. Affected landowners shall then be informed of the probable total cost of the project and their individual share of such costs. The board shall fix a reasonable time within which objection to the establishment of the drain shall be filed with the board. Such objections shall be in writing, but a telegram shall be deemed writing, and any form of written objection that sufficiently indicates the intention of the writer shall be sufficient. Once the deadline for filing objections has been reached, no further objections can be filed and no person objecting shall withdraw his or her name from the list of those objecting after the deadline for filing objections has been reached. Any withdrawals of objections before that time shall be in writing only, under the same rules as govern the making of objections. When the objections of affected landowners have all been filed and the deadline for filing objec-

tions has been reached, the board shall immediately proceed to determine whether or not a majority vote as determined by section 16 of this Act is opposed to the construction of the drain. Until such determination is made, the board is without jurisdiction to take any further steps in the matter except to determine whether a majority vote is objecting and to adopt a resolution for discontinuance, if a majority objects.

§ 15. Denying Or Making Order Establishing Drain: Costs When Petition Denied.) If, upon the examination by the board before the survey has been made, or, if upon the hearing upon the petition or upon the trial in the district court, it shall appear that there was not sufficient cause for making such petition, or that the proposed drain would cost more than the amount of the benefits to be derived therefrom or that the majority of all possible votes of affected landowners as determined by section 16 of this Act are opposed to such drain, the board shall deny the petition. The petitioners shall be liable jointly and severally to the board for all costs and expenses incurred in the proceedings, to be recovered by the board by action against the petitioners or upon their bond. If it shall appear, after due hearing as provided in sections 13 and 14 of this Act, that the proposed drain will not cost more than the amount of the benefits to be derived therefrom and is not objected to by a majority of the possible votes of the affected landowners as determined by section 16 of this Act, the board shall make an order establishing the drain, accurately describing it, and giving the same a name under which it shall be recorded and indexed.

§ 16. Voting Right Or Power Of Landowners.) In order that there may be a reasonably fair relation between the amount of liability for assessments and the power of objecting to the establishment of a proposed drain, the voice or vote of affected landowners on the question of establishing the drain shall be arrived at in the following manner:

1. The landowner or landowners of tracts of land affected by the drain shall have one vote for each one hundred dollars or fraction thereof of assessment that his land is subject to as estimated by the board under the provisions of section 12 of this Act. It is the intent of this subsection to allow only one vote for each one hundred dollars of assessment, or any fraction thereof, regardless of the number of owners of such tract of land. Where more than one owner of such land exists, the vote shall be prorated among them in accordance with the owner's interest, but where such proration results in a fraction of a vote, a full vote shall be allowed for such fraction.

A written power of attorney shall authorize an agent to cast the votes of any affected landowners.

§ 17. Notice Of Order Establishing Drain And Period For Appeal.) Upon the making of an order establishing or denying establishment of a drain, the board shall give notice to all affected landowners by publishing a notice in a newspaper of general circulation in such county. Such notice shall include a copy of such order and shall advise the affected landowners that their right to appeal to the district court from such order will expire upon thirty days from and after the date of such publication.

§ 18. Appeal To District Court; Time: Undertaking: Hearing.) Any person whose land is assessed or may be assessed for the construction of a drain under the provisions of this chapter may appeal to the district court from the order of the board establishing or denying the establishment of the drain. Such appeal shall be taken and perfected within thirty days from and after the date of publication of the "notice of order establishing the drain and time of expiration of right of appeal". The appellant must file with the clerk of court, and serve upon a member of the board, a notice of appeal, and must give an undertaking to be approved by the clerk of the district court in the sum of two hundred fifty dollars for the payment of the costs in the event that the appellant is unsuccessful in the district court. Such undertaking shall run in favor of the county in which the drain is located, and, if located in more than one county, it may run in the name of either of the counties in which the drain is located. The judge shall hear such appeal not less than ten days nor more than thirty days after the filing of such appeal with the clerk, the day of hearing to be fixed by the court, but such time for hearing may be extended by the court for good cause for a period not to exceed thirty days. The case shall be tried in all respects as a court case without a jury and costs shall be allowed and taxed as costs are taxed in said courts in civil actions and upon like notice. Where such appeal is perfected, the district court upon the hearing may try and determine the question as to whether, in the first instance, there was sufficient cause for making the petition for the establishment of the drain, whether the proposed drain will cost more than the amount of the benefits to be derived therefrom, and whether such drain was objected to by a majority of the affected landowners in accordance with the weighted voting provisions of section 16 of this Act.

§ 19. Right-of-way; How Acquired; Assessment of Damages; Issuance Of Warrants.) The right-of-way for the construction of any proposed drain, if not conveyed to the county by the owner, may be acquired by eminent domain in such manner as may be prescribed by law. Where lands assessed for drainage benefits are not contiguous to such drain, access right-of-way

thereto over the land of others may be acquired in the same manner. Such right-of-way, when acquired, shall be the property of the county. The board may issue warrants in a sum sufficient to pay the damages assessed for such right-of-way. Such warrants shall be drawn upon the proper county treasurer, and shall be payable out of any drain funds in the hands of the treasurer which have been collected for the construction of the drain for which such right-of-way is sought to be obtained. The board shall negotiate the warrants at not less than the par value thereof and shall pay into court for the benefit of the owners of the right-of-way the amount to which each is entitled according to the assessment of damages, paying the surplus, if any, to the county treasurer, who shall place the same to the credit of the proper drain fund.

§ 20. Assessing Cost Of Constructing And Maintaining Drain.) After the making of the order establishing the drain, the board shall assess the percentage of the cost of acquiring right-of-way and constructing and maintaining such drain in accordance with benefits received, against:

1. Any county, township, city, or village which is benefited thereby; and
2. Any lot, piece, parcel, or interest in land which is either directly or indirectly benefited by such drain or by such drain in connection with other existing or proposed drains.

No land already included in and being assessed by an existing drainage district shall be included and assessed in any newly formed drainage district unless it can be shown that such land will be benefited by the construction of the new drain. The board in considering the benefit and assessing the percentage of costs to each affected tract, parcel or piece of land may, among other things, take into consideration the present drainage facilities under any existing drainage district, potential use of the proposed drain by such land, whether any such lands will be benefited or harmed by any change in the existing flow and course of drainage water by reason of the construction of the drain, and such other matters as may be pertinent to the question of benefits.

§ 21. Assessment Subject To Review; Notice Of Time And Place.) The percentage assessments provided for in section 20 of this Act shall be subject to review, and ten days' notice of the time and place where such percentage assessments will be reviewed by the board shall be given by publication in a newspaper having general circulation in the county. In addition, each owner of land affected by the proposed drain as shown by the record in the office of the register of deeds or county

treasurer shall be mailed a notice of such hearing at his post office address as shown by such records, and an affidavit of mailing shall be filed with the proceedings of such drain.

§ 22. Hearing On Assessment: Appeal To State Engineer: Correction Of Assessments: Relocating Drain: Fees Of State Engineer.) At the hearing provided for in section 21 of this Act, the board shall proceed to hear all complaints relative to the percentage assessments and shall correct or confirm the same. Should landowners subject to assessment for the construction of the proposed drain having a majority of the possible votes, as determined by section 16 of this Act, believe that the assessment had not been fairly or equitably made, or that the drain is not properly located or designed, they may appeal to the state engineer by petition within ten days after the hearing on assessments, to make a review of such percentage assessments and to examine the location and design of the proposed drain. Upon the receipt of such petition the state engineer shall proceed to examine the lands assessed and the location and design of the proposed drain, and should it appear to him that such assessments have not been made equitably, he may proceed to correct the same, and his correction and adjustment of said assessment shall be final. Should it appear that, in the judgment of the state engineer, the drain has been improperly located or designed, he may order a relocation and redesign. Such relocation and redesign shall be followed in the construction of the proposed drain. For his services in making such review of assessments and examination of location and design, the state engineer shall be allowed ten dollars per day and actual and necessary expenses during the time he is engaged upon such work. All moneys received by the state engineer shall be paid into the state treasury and credited to the general fund. After the hearing provided in this section, the board shall make a finding that the benefits to all tracts of land will exceed the costs that will be assessed against the lands. Any land owner who may claim that he will receive no benefit at all from the construction of a new drain may appeal the question of whether there is any benefit to the state engineer upon the filing of a bond in the sum of two hundred and fifty dollars with the board for the payment of the costs of the state engineer in the matter. The state engineer shall not determine the specific amount of benefits upon an appeal by an individual land owner, but shall only determine if there is any benefit to the land owner, and the determination of the state engineer upon such question shall be final.

§ 23. Recording Assessment.) After the percentage assessment of benefits has been made, as provided in section 20 of this Act and confirmed upon hearing as provided in section 22 of this Act, the board shall record such percentage assess-

ments in the permanent records of the drain and such percentage assessment shall further be permanently recorded by the county auditor in a book of "drainage assessments".

§ 24. Notice Of Letting Of Contracts.) After the recording of percentage assessments as provided in section 23 of this Act, the board shall then give at least twenty-one days' notice of the time and place where contracts will be let for the construction of the drain. Such notice shall be published twice in the official newspaper of the county, or in counties not having an official newspaper in a newspaper having wide circulation in the county.

§ 25. Letting Of Contracts For Drains.) The board shall let contracts for the construction of the drain, culverts, bridges and appurtenances thereto, or portions thereof at the appointed time and place to the lowest and best bidder. Any person receiving a contract for the construction of a drain or portions thereof shall give a performance bond in an amount set by the board for the proper construction of the work within the time specified in the contract. The board shall reserve the right to reject any and all bids and may postpone the letting of contracts for the construction of such drain or parts thereof from time to time or to such other time and place as the board may publicly announce. Any parties who are to be assessed for the construction of such drain may be bidders on construction contracts and, if equal bidders with other parties and equally well qualified, shall be preferred in awarding construction contracts. Any contracts for the construction of portions of a drain which are not let at the original contract letting may be let at a later time by the board after due notice as provided in section 24 of this Act and in accordance with the provisions of this section.

§ 26. Extension Of Time To Contractors; Reletting Unfinished Part Of Contract.) The board may grant a reasonable extension of time for the completion of any contract. When any contract shall not be finished within the time specified, or to which it may be extended, the board in its discretion at any time thereafter may relet such unfinished portion or any part thereof to the lowest responsible bidder, and shall take security as before. The cost of completing such unfinished portions over and above the contract price, and the expense of notices and reletting shall be collected by the board from the parties first contracting. In no case shall the board forfeit and annul a contract without giving five days' notice to the contractor, if he can be found or if he has a known place of residence in the county. Such notice may be given to such contractor personally or may be left at his place of residence.

§ 27. Apportionment And Taxation Of Costs.) After the

letting of contracts or a portion thereof, the board shall compute the cost of the drain including estimated costs of any unfinished portions. The board shall determine the sum to be levied to pay such cost, which sum shall be prorated and assessed against lands in accordance with the percentage determined under section 20 of this Act. A copy of the list of assessments shall be served on the clerk or auditor of each municipality against which taxes are to be assessed and shall also be filed in the office of the county auditor of the county or counties in which municipalities and lands benefited by the drain are situated. The provisions of section 51 of this Act shall apply to the levies and assessments provided for in this section.

§ 28. Collection Of Drain Taxes.) The drain taxes shall be collected by the county treasurer, and all moneys so collected shall be credited to the drain fund to which they belong. The county treasurer shall act as the custodian of such drain funds.

§ 29. Payment Of Costs And Expenses Of Locating, Constructing, Maintaining, And Improving Drain; Warrants Issued.) Payment of all expenses and costs of locating and constructing any drain shall be made upon order of the board and warrants therefor shall be signed by the chairman and one other member of the board. All warrants drawn by the board in payment of items of expense of a drain shall be payable from the proper drain fund and shall be accepted by the treasurer in payment of taxes levied in regard to such drain. All such warrants, after presentation to the county treasurer for payment, if not paid for want of funds, shall be registered by him and thereafter bear interest at a rate not to exceed five percent per annum. The county commissioners, by proper resolution, are authorized to purchase drainage warrants from general county funds in instances where such warrants will be funded by a bond issue within six months from the date of purchase.

§ 30. Additional Assessment To Meet Deficit Or Additional Expense.) In case the amount realized from the assessment made for the acquisition of right-of-way or for the construction, improvement, repair, and maintenance of any drain is not sufficient to pay all necessary expenses in regard thereto, or to pay and retire any bonds issued in connection with such operations, a further assessment shall be made to meet such deficit and such additional amount shall be levied and collected in the manner provided in sections 27, 28 and 51 of this Act.

§ 31. Drains Along And Across Public Roads And Railroads.) Drains may be laid along, within the limits of, or across any public road or highway, but not to the injury of

such road. In instances where it shall be necessary to run a drain across such highway, the state highway department, board of county commissioners, or the board of township supervisors, as the case may be, when notified by the board to do so, shall make necessary openings through such road or highway, and shall build and keep in repair all suitable culverts or bridges at its own expense, as provided under the applicable provisions of section 32 of this Act. In instances where drains are laid along or within the limits of roads or highways, such drains shall be maintained and kept open by the board at the expense of the drainage district concerned. A drain may be laid along any railroad when necessary, but not to the injury of such road, and when it shall be necessary to run a drain across a railroad, the railroad company, when notified by the board to do so, shall make the necessary opening through said road and shall build suitable bridges and culverts and keep them in repair.

§ 32. Construction Of Bridges And Culverts; Cost Of.) The board shall construct such bridges or culverts over or in connection with a drain as in its judgment may be necessary to furnish passage from one part to another of any private farm or tract of land intersected by such drain. The cost of the construction thereof shall be charged as part of the cost of constructing such drain, and such bridge or passageway shall be maintained under the authority of the board of drainage commissioners, and the necessary expense thereof shall be deemed a part of the cost of keeping such drain open and in repair. Whenever any bridge is to be erected on a section line, and the cost of construction shall exceed one hundred dollars or more, such bridge shall be constructed and maintained by the board of county commissioners as provided by sections 24-0801, 24-0802 and 24-0803 of the North Dakota Revised Code of 1943 as amended. Whenever the expense of constructing any such bridge or culvert on a section line shall be one hundred dollars or less, such expense shall be borne by the township in which such bridge or culvert is located.

§ 33. Boards Of Drain Commissioners Of Two Or More Counties May Construct Drains Through Counties.) Whenever it shall be deemed necessary by the boards of drain commissioners of two or more counties in this state to construct or extend a drain through or into two or more counties in this state, the several boards in the counties into or through which such proposed drain may extend when completed may establish, construct, and maintain such drain through or into two or more counties in the manner provided in section 34 of this Act.

§ 34. Procedure To Construct Or Extend A Drain Through Or Into Two Or More Counties.) In order to construct or ex-

tend a drain through or into two or more counties in this state, a petition shall be presented to the several boards of drainage commissioners for the establishment of such drain in their several counties as provided in this Act. The boards of such several counties shall hold a joint meeting and shall determine the necessity or expediency of the establishment of such drain. The several boards of all counties through or into which such proposed drain may run shall agree upon the proportion of damages and benefits to accrue to the lands affected in each county, and for this purpose they shall consider the entire course of said drain through all said counties as one drain. Should the boards fail to agree upon the benefits to accrue to the lands in each county they shall submit the points in controversy to the state engineer of the water conservation commission, and his decision thereon shall be final. They may apportion the cost of establishing and constructing such entire drain ratably and equitably upon the lands in each such county in proportion to the benefits to accrue to such lands. When they have so apportioned the same they shall make written reports of such apportionment to the auditors of the several counties affected, which reports shall show the portion of cost of such entire drain to be paid by taxes upon the lands in each of such counties and such reports shall be signed by the boards of all counties affected. Upon the filing of such reports, the several boards shall meet and assess against the lands in each of such counties, ratably and equitably as provided by this Act, an amount sufficient to pay the proportion of the cost of such drain in each of such counties so fixed by all said boards. The provisions of this Act relating to drains within a single county shall govern the establishment, construction, maintenance, repair, and cleanout of such drains.

§ 35. Cooperating With Drainage Boards Or Officials Of Other States In Drainage Matters.) Any board of drainage commissioners established under the laws of this state, either severally or jointly with other boards, may cooperate with any similar drainage districts or drainage boards in any adjoining state in the establishment of any drainage area or drainage basin for the control of boundary waters between such states.

§ 36. Drainage Boards Or Commissioners Of Different States May Meet In Joint Conference To Effectuate Cooperation.) In order to effectuate the cooperation provided for in section 35 of this Act, any board of drainage commissioners may:

1. Meet in joint conference to agree upon joint plans of procedure;
2. Employ jointly with other similar boards a competent engineer;

3. Carry into effect the plans and suggestions adopted at any such joint conference in accordance with the laws of this state with reference to the construction of drains and drain improvements; and
4. Assess the costs thereof upon the drainage district or area affected in accordance with the benefits received.

§ 37. Proceedings In Drainage Matters Other Than Establishment And Construction Of Drains; Establishment Of Lateral Drains.) Unless otherwise specified, all proceedings under the provisions of this Act affecting the rights of persons and property shall be taken in accordance with the procedure governing the establishment and construction of drains in the first instance, except that a petition for the establishment and construction of a lateral drain shall be sufficient if signed by one or more freeholders whose property will be affected by the lateral drain.

§ 38. Petition For A Lateral Drain; Bond Of Petitioners.) One or more property owners whose property would be affected by a lateral drain may petition the board for the construction of such a drain and shall deposit with the board a good and sufficient bond to be approved by the board conditioned that the petitioner or petitioners will pay all costs of the proposed lateral drain. Whenever improvements of an original drain are made necessary by the construction of a lateral drain the costs of such improvements to the main drain shall be charged as part of the cost of construction of the lateral drain and assessed against the property benefited thereby and collected as other assessments are collected. Unless the petitioner agrees to construct the lateral drain, the board within ten days shall commence proceedings for the construction of such lateral drain according to the provisions of this Act. No person shall dig or construct any lateral ditch or drain which will conduct the flow of water from any land or lands into any drain constructed under the provisions of this Act, except a petitioner as provided in this section. In all instances involving the construction of a lateral drain, the board shall estimate and determine the proportionate share of the cost of the main or original drain which should be paid by such petitioner. The petitioner shall pay into the county treasury the amount so determined, and he shall then be allowed to connect his lateral ditches or drains with the main drain under the direction and superintendence of the board, but at his own cost and expense. The money paid into the county treasury shall be credited to the drainage fund of the specific drain involved.

§ 39. Collection Of Tax Or Assessment Levied Not To Be Enjoined Or Declared Void; Exceptions.) The collection of

any tax or assessment levied or ordered to be levied to pay for the location and construction of any drain laid out and constructed under the provisions of this Act shall not be enjoined perpetually or absolutely declared void by reason:

1. Of any error of any officer or board in the location and establishment thereof;
2. Of any error or informality appearing in the record of the proceedings by which any drain shall have been located or established; or
3. Of a lack of any proper conveyance or condemnation of the right-of-way.

The court in which any proceeding may be brought to reverse or to declare void the proceedings by which any drain has been located or established, or to enjoin the tax levied to pay therefor, on application of either party, shall appoint such person or persons to examine the premises, or to survey the same, or both, as may be deemed necessary. The court, on a final hearing, shall make such order in the premises as shall be just and equitable, and may order such tax or any part thereof to remain on the tax lists for collection, or if the same shall have been paid under protest, shall order the whole or such part thereof as may be just and equitable to be refunded. The costs of such proceedings shall be apportioned among the parties as justice may require.

§ 40. Establishing New Drains In Location Of Invalid Or Abandoned Drain.) If any of the proceedings for the location, establishment, or construction of any drain under the provisions of this chapter shall have been enjoined, vacated, set aside, declared void, or voluntarily abandoned by the board, for any reason whatsoever, the board may proceed under the provisions of this chapter to locate, establish, and construct a new drain at substantially the same location as the abandoned or invalid drain. When a new drain is established at substantially the same location, the board shall ascertain the real value of services rendered, moneys expended and work done under the invalid or abandoned proceedings and the extent to which the same contributes to the construction and completion of the new drain. The board shall then issue warrants in an amount not exceeding the value to the new drain of the work completed on the invalid or abandoned drain and shall deliver such new warrants, pro rata, to the owners or holders of old warrants or bonds issued under the invalid or abandoned drainage proceedings, upon the surrender of such old warrants or bonds by the holder or holders thereof.

§ 41. Drain Kept Open And In Repair By Board.) All drains that have been constructed in this state except township drains shall be under the charge of the board and it shall

be the duty of the board to keep such drains open and in good repair. When a drain is situated in more than one county, the drainage board of each county shall have charge of the maintenance of that portion of the drain located in its county. It shall be the mandatory duty of the board, within the limits of available funds, to clean out and repair any drain when requested to do so by petition of fifty-one percent of the affected landowners. The percentage of affected landowners of record in the treasurer's office or register of deeds' office favoring such cleaning out or repairing shall be determined by the weighted voting method as provided in section 16 of this Act.

§ 42. Assessment Of Costs Of Cleaning And Repairing Drains.) The cost of cleaning out and repairing a drain shall be assessed pro rata against the lands benefited in the same proportion as the original assessment of the costs in establishing such drain, or in accordance with any reassessment of benefits in instances where there has been a reassessment of benefits under the provisions of section 43 of this Act. In cases where no assessment for construction costs or reassessment of benefits has been made, the board shall make assessments for the cost of cleaning and repairing such drain after a hearing thereon as prescribed in this Act in the case of a hearing on the petition for the establishment of a new drain. The governing body of any incorporated city or village, by agreement with the board, is authorized to contribute to the cost of cleaning out, repairing, and maintaining a drain in excess of the amount assessed under this section, and such excess contribution may be expended for such purposes by the board.

§ 43. Reassessment Of Benefits.) The board may at any time, and upon petition of any affected landowner after a drain has been in existence for at least one year shall hold a hearing for the purpose of determining the benefits of such drain to each tract of land affected. At least ten days' notice of such hearing shall be given by publication in a newspaper having general circulation in the county and by mailing notice thereof to each owner of land affected by the drain as determined by the records of the register of deeds or county treasurer. The provisions of this Act governing the original determination of benefits and assessment of costs shall apply to any reassessment of benefits carried out under this section. The board shall not be forced to make such reassessment more than once every ten years, nor shall any assessment or balance thereof supporting a drainage fund be reduced or impaired by reassessment or otherwise as long as bonds payable out of such fund remain unpaid and moneys are not available in such fund to pay all such bonds in full, with interest.

§ 44. Contracts For Work Of Cleaning And Repairing Drains.) If the cost of any work of cleaning out or repairing

any drain does not exceed one thousand dollars in any one year, such work may be done on a day work basis or a contract may be let without being advertised. In cases where the cost of such work exceeds one thousand dollars in any one year, a contract shall be let to the lowest and best bidder in the manner described in this Act for the letting of bids for construction of drains. The board may reject any and all bids for the cleaning and repairing of drains and have such work performed by county equipment at the expense of the drainage district.

§ 45. Maximum Levy; Accumulation Of Fund.) The levy in any year for cleaning out and repairing a drain shall not exceed fifty cents per acre on any agricultural lands in the drainage district. Agricultural lands which carried the highest assessment when the drain was originally established, or received the most benefits under a reassessment of benefits, may be assessed the maximum amount of fifty cents per acre. The assessment of other agricultural lands in the district shall be based upon the proportion that the assessment of benefits at the time of construction or at the time of any reassessment of benefits bears to the assessment of the benefits of the agricultural land assessed the full fifty cents per acre. Non-agricultural property shall be assessed such sum in any one year as the ratio of the benefits under the original assessment or any reassessment bears to the assessment of agricultural lands bearing the highest assessment. In case the maximum levy of fifty cents per acre for any year will not produce an amount sufficient to cover the cost of cleaning out and repairing such drain, the board may accumulate a fund in an amount not exceeding the sum produced by such maximum permissible levy for one year.

§ 46. Expenditures In Excess Of Maximum Levy.) If the cost of maintenance, cleaning out, and repairing any drain shall exceed the amount produced by the maximum levy of fifty cents per acre in any year, together with the amount accumulated in the drainage fund, the board may proceed with such cleaning out and make an additional levy only upon petition of at least sixty-one percent of the affected landowners. The percentage of the affected landowners signing such petition shall be determined in accordance with the weighted voting provisions in section 16 of this Act.

§ 47. Reconveyance Of Land No Longer Required For Drainage Purposes.) Whenever land has been acquired for drainage purposes and is no longer required for such use, the board of county commissioners may reconvey such land to the present owner of the adjacent property if such party in payment thereof surrenders all warrants issued in payment of the land or repays the amount of cash paid therefor.

§ 48. County May Pay Share Of Drainage Taxes On Tax Deed Lands.) If lands acquired by the county by tax deed are assessed drainage taxes, the county commissioners shall pay such taxes from general funds if it appears after a due appraisal that the value of the land exceeds the total of the delinquent taxes for which foreclosure proceedings were instituted plus the total drainage tax assessment. If the total of taxes assessed at foreclosure plus drainage taxes exceeds the value of the land, the county shall not pay the drainage assessments but upon sale of such land any excess of the sales price over and above the amount of taxes for which the foreclosure proceedings were instituted shall be paid to the drainage district to the full extent of drainage taxes due. Any income from the property shall be first credited to the general taxes and any surplus income shall be paid to the drainage district to the extent of drainage taxes due.

§ 49. Drain Warrants; Terms And Amounts.) Drain costs shall be paid upon order of the board by warrants signed by the chairman and one other member of the board. Such warrants shall be payable from the proper drain fund and, upon maturity, shall be receivable by the treasurer for drain assessments supporting such fund. Such warrants may be issued at any time after the order establishing the drain has become final and after incurring liability to pay for any drain work to be financed by drain assessments and in anticipation of levy and collection of such assessments. Every such warrant not made payable on demand shall specify the date when it shall become payable. Demand warrants not paid for want of funds shall be registered by the county treasurer and shall thereafter bear interest at the rate of five percent per annum. Warrants of specified maturities shall bear interest according to their provisions at a rate not exceeding five percent per annum payable annually or semi-annually, and may be made and issued with interest coupons attached. All drain warrants shall state upon their face the purpose for which they issue and the drain fund from date when it shall become payable. Demand warrants not paid for want of funds shall be registered by the county treasurer and shall thereafter bear interest at the rate of five percent per annum. Warrants of specified maturities shall bear interest according to their provisions at a rate not exceeding five percent per annum payable annually or semi-annually, and may be made and issued with interest coupons attached. All drain warrants shall state upon their face the purpose for which they issue and the drain fund from which they are payable, and shall be in denominations of not more than five thousand dollars each. Such warrants may be used to pay drain obligations, or may be sold at not less than par value, provided that the proceeds of warrants sold shall be placed in the proper drain fund and used exclu-

sively for drain expenses. Any unpaid warrants issued for the acquisition of right-of-way or the construction of any drain, including all incidental costs in connection therewith, shall be funded by a bond issue within one hundred and eighty days from and after the filing of the assessment of all such costs with the county auditor as provided in section 27 of this Act, but such requirement shall not be construed as prohibiting the funding of warrants or the issuance of bonds after such one hundred and eighty day period.

§ 50. Payment Of Drain Assessments; Interest.) Drain assessments may be paid in full or in part at any time after the same have been filed in the office of the county auditor, provided that all such assessments shall bear interest at a rate to be set by the board, which rate shall be not less than the rate payable on warrants or bonds issued for the drain financed by such warrants or bonds. Interest shall be computed from the date of filing the assessment list in the office of the county auditor, or, where bonds are issued for right-of-way or for construction, extension or renovation, from the date of first publication of the preliminary bond issue resolution, whichever date is the earlier.

§ 51. Lien For And Enforcement Of Drain Assessments.) Drain costs determined by the board shall be extended upon the proper assessment list of benefited tracts in specific amounts computed according to the proportionate benefits found for each tract affected by the drain or by work done on the drain. A true copy of every such list affecting lands in a city or village shall be served on the auditor or clerk thereof promptly following completion. The assessment list shall then be filed in the office of the county auditor of the proper county or counties and said auditor shall extend upon the tax lists against the land affected, the specific amounts of the drain assessments according to the drain assessment list prepared by the board. From and after the filing of a drain assessment list with the county auditor the specific amounts levied and assessed against each benefited tract shall constitute a special tax thereon and shall be a lien upon such tract until fully paid. Such lien shall have precedence over all other liens except general tax liens, and shall be of equal rank and order with the lien of general taxes and shall not be divested by any judicial sale, tax sale, or foreclosure. This Act shall be notice to all subsequent encumbrancers of the superior rank of drain liens imposed under the provisions hereof. Special drain taxes shall be collected and enforced as other taxes are collected and enforced. The affected real property shall be sold to enforce the collection of drain assessments which have become delinquent at the same time and in the same manner as is provided in the title Taxation for the sale of real property for

delinquent general taxes. The sale shall be made by the same officer, upon like notice, subject to redemption and on like record as a sale of real property for delinquent general taxes. If property to be sold is subject to sale for general taxes and also for drain assessments, such property shall be advertised and sold for the total due for both general taxes and drain assessments and one certificate shall issue. If there are no bids for real estate so offered for sale, the county auditor shall sell the same to the county and shall issue one certificate of sale therefor. If the property to be sold is not subject to sale for general taxes it may be sold for drain assessments alone and a certificate of sale for such assessments shall issue to the proper drain board, unless sale is made to a private bidder. The board may purchase from the county any unassigned tax certificates against property sold to the county for general taxes and for drain assessments made by the board or its predecessor. Assignments of such certificates shall be on the terms provided for assignments to individuals except that the amounts of drain assessments shall not be collected. If no redemption is made, the affected property shall pass absolutely to the board on expiration and termination of the time for redemption and may thereafter be sold by the board at public sale. The governing body of each city or village against which a drain assessment is made shall include in the earliest possible tax levy the amount assessed against it by the board, which amount shall be extended against all of the taxable property in such city or village as general taxes are extended, and such levy shall be over and above mill levy limitations prescribed by law. When the cost of any drain, or of an extension or enlargement or renovation thereof, shall be in such amount that the board finds that assessment of such total cost against the affected property for collection in full in a single payment would be unduly burdensome to such property, the board may determine to divide such cost into equal annual amounts to be assessed and collected over a period of not more than fifteen years. Drain costs and drain assessments shall include all expenditures for work and materials for the drain, including anticipated expenses, interest charges and a reasonable charge for the establishment of a reserve fund with which the board may from time to time purchase tax delinquent property affected by the drain.

§ 52. Drain Bonds.) The board may issue bonds to finance acquiring drain right-of-way, locating and constructing drains and funding unpaid drain warrants heretofore issued, or issued hereafter under the provisions of this Act. Drain bonds issued in whole or in part to finance expenditures for which warrants have not been issued shall not be authorized until after firm contracts for projected drain work have been made and proper undertakings therefor have been executed and filed, or until

after the drain work has been completed. Proceedings for the issuance of such bonds shall be initiated by the adoption of a preliminary resolution of the board which shall include information and findings as follows:

1. The maximum amount of drain bonds proposed to be issued;
2. The maximum interest rate such bonds shall bear;
3. Designation of the calendar years in which such bonds shall mature;
4. The complete name of the drain for which such bonds are to be issued; and
5. The purpose or purposes for which the proceeds of the bonds will be used, including the total amount of drain warrants to be bought with such proceeds.

When such preliminary resolution has been duly adopted by the board, the board shall proceed to have the text thereof published in a legal newspaper of general circulation in the locality in which the particular drain is situated, and there shall be published with and as a part of such text a statement that from and after the expiration of thirty days next following the date of the first printing of such text, no action may be commenced or maintained, and no defense or counterclaim may be recognized in the courts of this state to question or impair the drain warrants resolved to be funded, or the drain assessments supporting such warrants. There shall also be included in such publication the further statement that a complete list identifying the drain warrants proposed to be funded has been filed in the office of the county auditor of the county or counties in which the affected lands are located. Such publication shall be made once each week for three successive weeks and proper proof thereof shall be filed with the board. The validity and enforceability of any drain warrant or of any assessment supporting the same shall not be vulnerable to attack in the courts of this state unless an appropriate action or proceeding is commenced or a defense or counterclaim is served within thirty days next following the date of first printing of such publication. It shall be the duty of the board to cause to be prepared and filed with the auditor of the proper county or counties a complete list identifying the drain warrants proposed to be funded by such bonds, and such list, or true copies thereof, shall be so filed prior to the date of first printing of said preliminary resolution. Within a reasonable time, and more than thirty days after the first printing of such preliminary resolution, the board may proceed to authorize the preparation and sale of drain bonds in accordance with such resolution. Such bonds shall bear interest at a rate not

to exceed six percent per annum, shall contain a provision that interest thereon shall cease at maturity unless the holder shall present the same for payment and payment is refused, shall designate the fund from which they are payable and shall be offered for sale and sold as provided in chapter 21-03 of the North Dakota Revised Code of 1943, as amended, for the offering and sale of general obligation bonds of governmental subdivisions of this state. Wherever drain bonds are issued for drain warrants, such bonds in the appropriate amount may be exchanged for such warrants, but the basis of exchange shall be such that the average annual net rate of interest on the bonds will not exceed the rate on the warrants refunded. Drain warrants purchased with the proceeds of bonds shall not be canceled but shall be retained by the board as assets of the drain fund from which such warrants are payable. Such fund shall be continued and payments therefrom shall be made on the warrants drawn thereon without reference to the bond issue, but all such payments shall be placed in the fund from which the bonds are payable and shall be applied to service such bonds and to pay the interest thereon. Bonds issued by drainage districts shall be eligible for purchase by the various trust funds of the state of North Dakota and its instrumentalities.

§ 53. Sinking Funds And Bonds.) The board shall establish a sinking fund for each issue of bonds, which fund shall consist of all drain assessments made for the bonds, all warrants funded and all assessments for such warrants, all accrued interest received on sale of bonds, all proceeds of bonds sold not actually expended for the drain, the reserve fund authorized for purchase of tax delinquent lands affected by the drain, all general tax levies for payment of obligations of the drain and any other moneys which may be appropriated to the sinking fund. Separate sinking funds shall be provided for each separate drain for which bonds shall have been issued. Until the purpose of the sinking fund has been fulfilled, no moneys in any such sinking fund shall be applied to any purpose other than payment of the bonds for which such fund was created.

§ 54. Liability For Deficiencies: Maintenance Of Sinking Fund.) During the month of June of each year the board shall prepare a complete statement of the condition of the finances of each drain and shall cause the same to be filed with the county auditor on or before July 1 next following. At its July meeting next following the filing of each statement of financial condition of any drain, the county board shall examine such statement and determine whether or not any drain has defaulted or will default on its financial obligations. Where it appears to the county board that any drain does not have moneys and drain assessments receivable equal to one

hundred ten percent of its obligations coming due within thirteen months next following, the county board shall pay from the county general fund into the sinking fund for drain warrants or bonds or shall proceed to levy a general property tax, the proceeds of which, together with drain moneys on hand and the probable prior yield of drain assessments will amount to one hundred ten percent of the obligations of the drain becoming due during the thirteen months next following. Such tax or payments shall be appropriated to the sinking fund for the drain warrants or bonds, and certificates of indebtedness may be issued against the same as levied. On redemption of all warrants or bonds against any sinking fund, or upon accumulation of moneys in such fund sufficient to redeem all outstanding warrants or bonds, all surplus moneys in such fund shall be payable to the general fund of the county or counties levying general property taxes or making such payments, up to the amounts of such levies or payments.

§ 55. Dissolution Of Drainage District.) The owners of property subject to fifty-one percent or more of the liability for maintaining any drain as determined in section 16 of this Act may petition the board for the abandonment and dissolution of such drain. Upon receipt of such petition, the board shall call a public hearing on the petition and if they find the number of valid signatures to represent property liable to fifty-one percent or more of the cost of upkeep of such drain, as determined by section 16 of this Act, and that such drainage district has no outstanding indebtedness, the board shall then declare such drain to be abandoned and such drainage district to be dissolved, and shall record such declaration upon the minutes and publish the same in a newspaper having wide circulation in that county. In case the drainage district extends into two or more counties, the board upon receipt of the petition above referred to shall convene in joint session and call the public meeting above provided. When a drain has been abandoned and dissolved, it may then be reestablished in whole or in part only in the same way as a new drain is established.

§ 56. Penalty For Violation Of Chapter.) If any person willfully and maliciously shall remove any surveyor's stake set along the line of any drain laid out under the provisions of this chapter, or shall obstruct or injure any such drain, or shall violate any valid rule or regulation promulgated by the board, for each and every such offense he shall be subject to a penalty not exceeding twenty-five dollars together with such sum as will be required to repair such damage and costs of suit. Such penalty may be recovered in an action by the board. Whenever the amount of any recovery shall be collected it shall be

deposited with the county treasurer to the credit of the proper drain fund.

§ 57. Existing Obligations And Regulations.) The passage of this Act shall not affect the validity of any valid outstanding warrants, bonds or other obligations of drainage districts and all sinking funds created for the payment of such obligations shall continue in force until the liquidation of such obligations. All valid rules and regulations promulgated by any board of county commissioners or board of drainage commissioners shall remain in full force and effect until altered or repealed by the board of drainage commissioners in the county concerned.

§ 58. Repeal.) Chapter 61-21 of the North Dakota Revised Code of 1943 as amended is hereby repealed.

Approved March 8, 1955.

CHAPTER 348

S. B. No. 67

(Committee on Natural Resources)

GARRISON DIVERSION CONSERVANCY DISTRICT

AN ACT

Creating the Garrison Diversion Conservancy District in order to facilitate the establishment, construction and maintenance of the Garrison Diversion Unit of the Missouri River Basin Project and defining its purposes, functions, powers and duties and repealing chapter 61-24 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Development And Utilization Of Land And Water Resources Declared A Public Purpose; Declaration Of Intention; Interpretation.) It is hereby declared that more effective development and utilization of the land and water resources of this state, protection and preservation of the benefits therefrom, opportunity for greater economic security, protection of health, property and enterprise, and the promotion of the prosperity and general welfare of all of the people of North Dakota involve, necessitate and require the exercise of the sovereign powers of the state and concern a public purpose, the accomplishment of which, among other things, demands, and it is hereby declared necessary, that the Garrison Diver-

sion Unit of the Missouri River Basin Project as authorized by Act of Congress approved December 22, 1944 (58 Stat. 887), and acts amendatory thereof and supplementary thereto, be established and constructed:

1. To provide for the future economic welfare and prosperity of the people of this state, and particularly of the people residing in the area embraced within the boundaries of the conservancy district created by this Act;
2. To provide for the irrigation of lands within the sections of such district periodically afflicted with drought, and to stabilize the production of crops thereon;
3. To replenish and restore the depleted waters of lakes, rivers and streams in such district, and to stabilize the flow of said streams;
4. To replenish the waters, and to restore the level of Devils Lake, Stump Lake, Lake Williams and Turtle Lake;
5. To make available within the district, waters diverted from the Missouri River for irrigation, domestic, municipal and industrial needs, and for hydroelectric power, recreation and other beneficial and public uses.

The provisions hereof shall not be construed to, in any manner, abrogate or limit the rights, powers, duties and functions of the state water conservation commission, but shall be held to be supplementary thereto and an aid thereof. Nor shall this Act be construed as limiting or in any way affecting the laws of this state relating to the organization and maintenance of irrigation districts, flood irrigation districts, water conservation and flood control districts, drainage districts, or watershed protection districts, nor as precluding the establishment of any such district wholly or in part within the boundaries of the district created by this Act.

§ 2. Garrison Diversion Conservancy District Created.)
There is hereby created within the state of North Dakota, a conservancy district, to be known as the "Garrison Diversion Conservancy District", hereinafter referred to as the "district", and consisting of that part of the state which is included within the boundaries of the following counties, to-wit: Barnes, Benson, Bottineau, Cass, Dickey, Eddy, Foster, Grand Forks, Griggs, LaMoure, McHenry, McLean, Nelson, Pierce, Ramsey, Ransom, Renville, Sargent, Sheridan, Stutsman, Ward, and Wells.

Such district shall be, and it is hereby declared to be a governmental agency, body politic and corporate with the authority to exercise the powers specified in this Act, or which may be reasonably implied.

Any county adjoining the district as herein created, or as hereafter composed, may join such district upon application of its board of county commissioners and the approval of such application by the board of directors of the district. The board of directors, as a condition of approval of such application, may require the levy of such taxes within said county as may be equitable to equalize the burden of such county with the obligations paid or assumed by the other counties in the district. Such county is hereby authorized to levy such taxes as may be necessary to carry out its part of the agreement for becoming a part of the district, which levy shall be in addition to the amount which may otherwise be legally levied for county purposes.

§ 3. Appointment Of Directors; Organization Of Board.) Within thirty days after the state water conservation commission shall so request, the board of county commissioners of each county of the district shall appoint a director who shall be a resident and elector of such county. The directors thus appointed shall constitute the board of directors of the district. They shall meet at a time and place designated by the state water conservation commission, and shall organize by electing from their number a chairman and vice chairman. They shall also elect a secretary and a treasurer. The offices of secretary and treasurer may be held by the same person, and a director of the district may hold either or both offices. In case the office of any director of the district becomes vacant by reason of removal, death, resignation or otherwise, the vacancy shall within thirty days be filled by the board of county commissioners of the county in which the vacancy occurs. Whenever a board of county commissioners shall fail to appoint a director or fill a vacancy within the time specified, the state water conservation commission may do so.

§ 4. Compensation Of Directors.) Each member of the board of directors of the district shall receive from the district the same compensation per day as that paid a county commissioner, and in addition the actual and necessary expenses while attending meetings of the board or otherwise engaged in the official business of the district. A director traveling in his personal automobile while attending meetings or engaged in the official business of the district shall receive the same mileage as that paid a county commissioner for such travel.

§ 5. Term Of Office; Oath Of Office; Bonds.) Each member of the board of directors of the district shall hold office for a term of three years, and until the successor in office has been appointed and qualified, provided, that one-third of the board first appointed shall hold office for a term of three years, one-third for a term of two years, and the other directors shall

hold office for a term of one year, from the first day of July next following the date of their appointment. The term of the directors first appointed shall be determined by lot when they meet to organize as provided in section 3 hereof. Before assuming the duties of the office, each director shall take and subscribe the oath of office prescribed by law for civil officers. The district treasurer shall be bonded in such amount as the board may prescribe.

§ 6. Meetings Of The Board; Quorum; Board To Adopt Rules, Regulations And Bylaws.) The board of directors of the district shall adopt such rules and regulations and bylaws for the conduct of the business affairs of the district as they may deem necessary, including the time and place of regular meetings of the board. Special meetings may be called by the secretary on order of the chairman of the board or upon the written request of the majority of the qualified members of the board. Notice of a special meeting shall be mailed to each member of the board at least six days before such meetings, provided, that a special meeting may be held at any time when all members of the board are present or consent thereto in writing. A majority of the members of the board of directors shall constitute a quorum for the transaction of business, but any number may adjourn the meeting for want of a quorum.

§ 7. Attorney General Shall Act As Legal Adviser; Chief Engineer Of State Water Conservation Commission To Assist Board; Employment Of Counsel And Engineers.) The attorney general shall, as far as his duties permit, act as the legal adviser of the board. The chief engineer of the state water conservation commission shall furnish such engineering services and assistance as the duties of his office permit. When the district has funds available, the board of directors may employ other counsel to advise and represent it in its proceedings and affairs, and may employ other engineers and engineering services in connection with its work and the affairs of the district.

§ 8. Powers And Duties Of The District Board of Directors.) The board of directors of the Garrison Diversion Conservancy District shall have the power:

1. To sue and be sued in the name of the district;
2. To exercise the power of eminent domain in the manner provided by the title Judicial Remedies for the purpose of acquiring and securing any right, title, interest, estate or easement necessary to carry out the duties imposed by this Act, and particularly to acquire the necessary rights in land for the construction of dams, reservoirs, canals, hydroplants, irrigation systems and any other device for the conservation, storage and use of water,

and to secure the right of access to such works and the right of the public access to the waters impounded thereby or emanating therefrom;

3. To accept funds, property and services or other assistance, financial or otherwise, from federal, state, and other public or private sources for the purpose of aiding and promoting the construction, maintenance and operation of the Garrison Diversion Unit, or any part thereof;
4. To cooperate and contract with the state water conservation commission and any political subdivision and municipality in promoting the establishment and construction of the Garrison Diversion Unit, or any part thereof;
5. To furnish assurances of cooperation and as principal and guarantor or either to enter into a contract, or contracts, with the United States of America, or any department or agency thereof, and with public corporations of North Dakota for the performance of obligations entered into with the United States for the construction, operation or maintenance of works of the Garrison Diversion Unit of the Missouri River Basin Project as defined by Act of Congress, approved December 22, 1944 (Stat. 887), and acts amendatory thereof or supplementary thereto;
6. To equip, maintain and operate an office and principal place of business for the district;
7. To appoint and fix the compensation of such employees as the board shall deem necessary to conduct the business and affairs of the district;
8. To appoint from their number an executive committee and vest the same with such powers and duties as the board may from time to time delegate thereto, in order to facilitate the duties and work of the board in connection with the business affairs involved in the development, construction, operation and maintenance of the Garrison Diversion Unit, or any part thereof;
9. To levy a tax of not to exceed one mill annually on each dollar of taxable valuation in the district for the payment of the expenses of the district, including, but not limited to, per diem, mileage and other expenses of directors, technical, administrative, clerical, operating and other expenses of the district office, and for the cumulation of a continuing fund through such levy for the performance of obligations entered into with the United States of America in connection with the construction, operation and maintenance of works of the

said Garrison Diversion Unit of the Missouri River Basin Project. All moneys collected pursuant to such levy shall be deposited in the Bank of North Dakota to the credit of the district and shall be disbursed only as herein provided. The amount which may be expended or obligated in any one year for operating the district, exclusive of disbursements in connection with obligations to the Federal government, shall not exceed ten percent of the maximum permissible.

§ 9. District Budget; Determination Of Amount To Be Levied; Adoption Of Levy; Limitation.) The board of directors of the district shall at the time of the organization of the board, and in July annually thereafter, estimate and itemize all the expenses and obligations of the district, including, but not limited to, expenses of directors, expenses of operating the office, debt service and retirement, and obligations and liabilities to the United States for which provision must be made. After the district shall have entered into any contract with the United States, the board of directors may include in such budget funds deemed necessary to create a reserve fund to meet future payments under such contract. Upon the completion and adoption of such budget, the board of directors shall make a tax levy in an amount sufficient to meet such budget. Such levy shall be in the form of a resolution, adopted by a majority vote of the members of the board of directors of the district. Such resolution shall levy in mills, but not exceeding one mill, sufficient to meet all the expenses, obligations and liabilities of the district as provided in the budget.

§ 10. Certified Copies Of Levy And Budget Sent To County Auditors.) Immediately after completion of the budget and the adoption of the annual tax levy by the board of directors of the district, but not later than October first, the secretary of the district shall send one certified copy of the levy as adopted and one certified copy of the budget to the county auditor of each county in the district, and one certified copy of such levy and one certified copy of such budget to the state tax commissioner.

§ 11. County Auditors To Extend Tax Levy.) The county auditor of each county in the district shall extend the levy upon the tax list of the county for the current year against each description of real property and all personal property within the county in the same manner and with the same effect as other taxes are extended.

§ 12. County Treasurers To Collect And Remit District Taxes.) The treasurer of each county in the district shall collect all district taxes, together with interest and penalty thereon, if any, in the same manner as the general taxes are

collected, and shall pay over to the treasurer of the Garrison Diversion Conservancy District, on the first day of each month, on demand, all taxes so collected during the preceding month, with interest and penalties collected thereon, and forthwith shall notify the secretary of the district of such payment.

§ 13. District May Enter Into Contract For The Construction, Operation And Maintenance Of Works.) When the board of directors of Garrison Diversion Conservancy District is notified by the United States, or by any department or agency thereof, that it is necessary for the district to enter into a contract as principal and guarantor or either, for the repayment of any part of the cost incurred, or to be incurred in the construction, operation and maintenance of works of the Garrison Diversion Unit of the Missouri River Basin Project, the board shall give notice of hearing on such proposed contract as herein provided. The board shall hold hearings on such contract in at least three places in the district. Notice of the time and place of such hearings shall be published at least ten days before such hearing in not less than three newspapers of general circulation in the district. Anyone interested in, or affected by such contract if entered into, may appear at any such hearing and show cause, if any, why such proposed contract should or should not be approved. After considering the terms and conditions of such proposed contract and the support therefor and objections thereto, the board shall adopt a resolution approving or disapproving such contract, and if a disapproval, may enter into further negotiations with the United States concerning terms for a new or amended contract. At least thirty days before any hearing is held on such contract for construction of facilities or works, plans therefor shall be filed with the secretary of the district and shall be open to public inspection.

§ 14. When Contract Is Approved.) After any such contract shall have been duly executed, as herein provided, the board of directors shall, in accordance with the provisions of such contract, adopt a resolution that a tax be assessed and levied upon all the taxable property in the district. Such tax shall be within the limitation herein provided and shall be levied annually on each dollar of the taxable valuation in the district until the contract obligations have been paid, or a sufficient fund has been accumulated to pay the same. The resolution shall state the purpose of such levy and the amount thereof. A certified copy thereof shall be mailed to the county auditor of each county in the district. Upon the receipt of such resolution or as soon thereafter as county levies are made, such county auditor shall spread the levy specified in such resolution for the current year and annually thereafter as required by such resolution.

§ 15. Proceedings To Confirm Contract.) The board of directors of the Garrison Diversion Conservancy District, after entering into a contract with the United States Government or with any public corporation of the state of North Dakota, may commence a special proceeding in and by which the proceedings of the board and the making of such contract, or contracts, shall be judicially examined, approved, and confirmed, or disapproved and disaffirmed. Such proceeding shall comply as nearly as possible with the procedure required in the case of irrigation districts under the laws of North Dakota.

§ 16. County May Be Excluded From Conservancy District If Not Directly Benefited.)

1. Any county in the conservancy district not directly benefited by the establishment of the Garrison Diversion Unit of the Missouri Basin Project as authorized by act or acts of Congress may be excluded from the district as provided herein. The board of county commissioners of any such county may, by resolution direct the county auditor and the chairman of the board to file with the board of directors of the conservancy district a petition, for and on behalf of the county, requesting the board of directors of the district to exclude such county therefrom. A certified copy of the resolution of the county board shall accompany and be filed with such petition. The petition and resolution shall state specific reasons why such county will not be directly benefited by the establishment and development of the Garrison Diversion Unit.
2. Within fifteen days from the date of filing said resolution and petition for exclusion from the district the district board shall meet to consider such petition. It may grant such petition or it may fix a time and place for a hearing thereon. If a hearing be set, the secretary of the board shall cause notice of the filing of such petition for exclusion, and of the time and place for a hearing, to be published once each week for two consecutive weeks in a newspaper of general circulation printed in the district. The hearing mentioned in such notice shall be held not less than ten nor more than twenty days after the last publication of such notice. The notice shall state that any person, corporation, municipality and county in the district may appear or be represented at the hearing and show cause why the petition should or should not be granted. The board shall hear the petition at the time and place mentioned in the notice.
3. If after the hearing on the petition the district board of directors shall determine that the county requesting

to be excluded from the district will not be directly benefited by the establishment and development of the Garrison Diversion Unit of the Missouri Basin Project as authorized by act of Congress, the district board shall by resolution grant the petition and shall direct the chairman and secretary to execute the order of the board excluding such county from the conservancy district. If, however, the district board shall decide that such county will be directly benefited it shall deny the petition and direct the chairman and secretary to execute its order refusing to exclude such county from the district. A county excluded from the conservancy district shall not be liable for any obligations thereof incurred after exclusion but shall be liable for and shall pay to the district taxes levied before exclusion.

4. If any contract shall have been made with the United States or any agency thereof before such petition is filed, such petition shall not be granted unless consented thereto by the appropriate agency of the United States and if such agency gives its consent upon condition, such conditions shall be included in the order of exclusion and the county may be required to and in that event such county shall continue to pay any tax levies required to meet the obligations of any such contract.

§ 17. Appeal From Orders Of District Board.) An appeal from an order of the board of directors of the conservancy district denying a petition for exclusion may be taken to the district court of the petitioning county. The appeal, provided for herein must be taken within thirty days after the order of the district board has been filed with the secretary thereof. The appeal shall be taken by serving notice of appeal upon the secretary of the district. The appeal shall be docketed as any cause pending in district court is docketed and thereupon the court shall have and exercise original jurisdiction and shall hear and determine the cause de novo without a jury. An appeal to the supreme court may be taken by the petitioning county or by the conservancy district, from any judgment entered therein in district court, and from any order of said court if an appeal would lie from such order if entered by the court in a civil action.

§ 18. Repeal.) Chapter 61-24 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 4, 1955.

WEEDS

CHAPTER 349

H. B. No. 674
(Link and Rolfsrud)

NOXIOUS WEED COMMISSION

AN ACT

Relating to eradication of noxious weeds; and prescribing functions of the extension service of the North Dakota agricultural college with reference thereto; providing for appointment of a commissioner of noxious weeds and deputy commissioner in each county commissioner district and in a city, village, township or irrigation district; prescribing their powers and duties and fixing their compensation, providing for a tax levy to cover compensation and expenses of such commissioner and deputy commissioner of noxious weeds, providing penalties for violation of this Act; repealing chapter 63-02 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. Commissioners Of Noxious Weeds; Appointment; Oath; Term Of Office; Removal From Office.) The board of county commissioners of any county whenever deemed advisable may, and if petitioned by at least ten percent of the freeholders of the county, shall appoint in and for each commissioner district therein a competent person commissioner of noxious weeds. Likewise the governing board of any city, village, township or irrigation district in any county may, when considered advisable, and shall when petitioned by ten percent of the freeholders thereof, submit such questions to the electors of such municipality or subdivision at the next special or general election, and if approved by a majority vote such governing board shall appoint in and for the city, village, township or irrigation district, as the case may be, a weed commissioner. A person appointed weed commissioner by a board of county commissioners or by the governing board of a city, village, township or irrigation district therein shall qualify by taking the oath of office required of civil officers and shall hold office for the term of one year and until his successor is appointed and qualified. Any weed commissioner may be removed from office by the board which appointed him and his successor appointed to serve the balance of his term.

§ 2. Compensation And Travel Expenses Of Commissioners Of Noxious Weeds.) The compensation of a commissioner of

noxious weeds for each day necessarily spent in the performance of his duties shall be fixed by the board appointing him. When travel is by motor vehicle he shall also receive seven cents for each mile necessarily traveled.

§ 3. Deputy Commissioners Of Noxious Weeds: Appointment; Term Of Office; Compensation.) Each commissioner of noxious weeds may, with the consent and approval of the board which appointed him, appoint one or more deputies. Each such deputy commissioner of noxious weeds shall serve during the pleasure of the commissioner of noxious weeds or of the board which appointed the commissioner of noxious weeds. A deputy weed commissioner shall receive such compensation for his services as shall be fixed by the board of county commissioners or the governing board of the city, village, township or irrigation district in and for which he is appointed.

§ 4. Duties And Powers Of Commissioners Of Noxious Weeds; Each Commissioner Of Noxious Weeds.)

1. Shall investigate and ascertain the best practicable methods for destroying noxious weeds;
2. Shall diligently examine and investigate the existence and introduction of such weeds in his district;
3. Shall take charge of all such weeds found growing upon highways and cultivated lands and prevent them from going to seed or otherwise spreading;
4. Shall apply persistently and at proper times such remedy or treatment as he shall deem best suited to eradicate and to prevent the spreading of such weeds;
5. Shall prosecute, on complaint to the proper authorities, any person or corporation violating any of the provisions of this chapter;
6. May enter upon the premises of any person or corporation for the purpose of carrying out the provisions of this chapter, and his deputies and employees may exercise the same rights; and
7. Shall take such action as is necessary to carry out the provisions of this Act.

§ 5. Reports Of Commissioners Of Noxious Weeds: When And Where Filed; Duty Of County Agents And Director Of Extension Service.)

1. Every commissioner of noxious weeds appointed by a board of county commissioners or the governing board of a city, village, township, or irrigation district shall report to the county extension agent of the county in which he serves as commissioner of noxious weeds, the

existence in his district, city, village or township, as the case may be, of such weeds, the varieties thereof, and his treatment of the premises infested thereby; and if a county agent is not employed in his county, he shall submit such report to the director of the extension service of the North Dakota agricultural college. It shall be the duty of each county extension agent to report to the director of the extension service the presence of noxious weeds in his county, and the varieties thereof, and what methods, if any, are employed to combat and eradicate such weeds. The director of extension shall assemble and compile the data and information contained in such reports and shall furnish such county agent or weed commissioner information, advice, and direction for the eradication of such weeds. And it shall be the duty of a county agent to advise, consult and cooperate with the commissioner of noxious weeds in his county in the work of eradicating such weeds.

2. Every commissioner of noxious weeds, on or before the first day of December in each year shall submit a written report to the governing board of the county, city, village, township or irrigation district, which appointed him. Such report shall be filed with the county auditor, or auditor of the city or clerk of the village, township or irrigation district, as the case may be. The report shall be publicly read at the regular meeting of such board following its filing and shall be subject to inspection thereafter by any person interested. Such report shall clearly state and show:
 - a. Where noxious weeds are growing in his district;
 - b. If any are growing, where and to what extent and when and how the same were introduced;
 - c. A detailed statement of his treatment of each infected tract, with the cost and result thereof;
 - d. His views on the further treatment of each infected tract and such suggestions and recommendations as he may deem proper and useful;
 - e. Such other matters as may be required by the board of county commissioners or governing board of a city, village, township, or irrigation district.

§ 6. Tax Levy To Cover Salary And Expenses Of Weed Commissioners; Appropriation; Audit And Allowance.) The board of county commissioners of any county and the governing board of a city, village, township or irrigation district may, if found necessary, levy a tax on all taxable property therein to cover the salary and expenses of each commissioner and deputy

commissioner of noxious weeds and the costs incurred in the eradication of such weeds. Such tax may be levied in excess of the mill levy limit prescribed by law for general purposes but any such excess levy must first be approved by the electors of such county, city, village, township, or irrigation district at any special or general election. Payment of salary and expenses of a commissioner of noxious weeds and of his deputy, if any, and other expenses, shall be made upon verified vouchers duly audited and approved in the manner provided for payment of ordinary expenses.

§ 7. Notice To Destroy Noxious Weeds.) If a commissioner of noxious weeds, or his deputy, finds any land within his district, city, village or township, including streets, highways, railroad rights-of-way and state school lands, he shall immediately notify in writing, the owner, lessee or occupant of such land, or the person, agent or official having the care thereof, to cause such weeds to be destroyed on or before a date stated in the notice. The date so fixed shall not be less than five days from the date of the serving or posting of such notice.

§ 8. Method Of Service And Posting Of Notice To Destroy Noxious Weeds.) The notice to destroy noxious weeds shall be served as follows:

1. If any noxious weeds are found growing upon any railroad right-of-way, the notice shall be served upon the railroad company owning such right-of-way by service upon the company's agent located nearest to the place where such weeds are growing;
2. If any such weeds are found growing upon any state road, state park or state school land, the notice should be served upon the auditor of the county, or city and upon the clerk of any township or district in which such road, park or school land is located and such notice shall also be mailed to the person or official responsible for the maintenance and care thereof;
3. If any such weeds are found growing upon any public highway which is not a state road, the notice shall be served upon the owner, lessees, occupant, agent, or other person who is in charge of the land adjoining such public highway;
4. If any such weeds are found growing upon land owned by a nonresident of the county, city, village, township or irrigation district in which the land is located and the owner has no agent known to the commissioner of noxious weeds residing in the county, city, village, township or irrigation district, the notice shall be served by posting the same in a conspicuous place upon the land where it can be seen by the traveling public; and

5. In all other cases, by personal service of the notice upon the owner, lessee, occupant, agent, or other person who is in charge of the land on which such weeds are growing.

§ 9. Destruction Of Noxious Weeds By Private Persons And Corporations Required; When.) When required to do so by a commissioner of noxious weeds by the service of notice as provided for in this Act:

1. Each person or corporation owning, occupying, or controlling any land within this state shall destroy or cause to be destroyed all noxious weeds growing on his or its land; and
2. Each owner, lessee, occupant, agent, or other person who is in charge, of any land adjoining a public highway which is not a state or county road shall cut down, pull, or destroy to the center of such road all noxious weeds growing thereon.

§ 10. Commissioner Of Noxious Weeds And His Employees To Destroy Noxious Weeds: When And How.) If, after the service upon him of a notice as provided for in this chapter, any owner, lessee, occupant, agent, or person who is in charge, of any land right-of-way, road, public highway, park, or state school land refuses or neglects to cut down, pull, or destroy the noxious weeds growing thereon, on or before the date fixed in the notice, the commissioner of noxious weeds, his deputies, or employees, shall enter upon such land, right-of-way, highway, park, or school land and cause all of such weeds to be cut down, pulled, or destroyed. If such weeds are growing upon agricultural land, they shall be cut down, pulled, or destroyed in such a manner as to cause as little damage as possible to crops that may be growing thereon.

§ 11. Expenses For Destruction Of Weeds By Commissioner; Limitations On.) Whenever a commissioner of noxious weeds, or a deputy or employee thereof, shall cut, pull, or destroy any noxious weeds pursuant to the provisions of this Act the expense thereof shall not exceed:

1. The sum of one hundred dollars in any one year for each one hundred and sixty acre tract of agricultural land when such cutting, pulling, and destroying is done on such land; and
2. The reasonable and necessary cost when such cutting, pulling, destroying is done on any state road, public highway, or railroad right-of-way.

If any such weeds are so cut, pulled, and destroyed upon any road, park, or school land, the cost and expense thereof shall be paid by the county, city, village, township or irrigation district in which such road, park, or land is located.

§ 12. Mailing Of Verified Statement Of Expenses: Contents Of Statements.) The commissioner of noxious weeds, immediately after completing the cutting, pulling, and destroying of any noxious weeds pursuant to the provisions of this Act, shall send by registered mail to the owner, lessee, occupant, agent or other person who is in charge of the land on which such weeds were cut, pulled, and destroyed a verified statement containing:

1. The sum expended in the cutting, pulling and destroying of such weeds set forth in statement form;
2. A description of the land on which such weeds were cut, pulled, and destroyed;
3. A notice requiring such person to pay the sum set forth in the statement to the treasurer of the county, city, village, township or irrigation district in which such real estate is located within twenty days after the date of the mailing of the statement; and
4. A notice that if such sum is not so paid, the same will become a lien upon such real estate.

If such person is not a resident of the county, city, district or township and his post office address cannot be ascertained by the commissioner, the statement shall be sent by registered mail to the person who last paid the taxes upon said land, and the name and address of such taxpayer shall be furnished to the commissioner by the treasurer of the county, in which such land is located.

§ 13. Liens For Expenses: How and When Perfected; How Collected; Disposition Of Proceeds From.) A copy of each verified statement, together with proof of mailing thereof, shall be filed by the commissioner of noxious weeds with the county auditor of the county, as soon as such statement has been mailed. If the sum set forth in such statement and required to be paid is not paid by the person to whom the statement is sent within the time stated, the county auditor shall spread such sum upon the tax roll prepared by him, and it shall become a lien upon the real estate described in such statement and shall be collected in the same manner as delinquent taxes are collected. When so collected, such sum shall be credited by the county treasurer to the proper county, city, district or township fund.

§ 14. Expenses Not Collected From Private Persons Payable By County, City, District Or Township.) If any owner, lessee, occupant, agent, or person who is in charge, of any land fails to make the payment demanded in any verified statement mailed to him within the time stated therein, the county auditor shall present the statement to the governing board of the county, city, village district or township as the

case may be, and the board shall allow the same and the sum so allowed shall be paid by the county, city, village, district or township treasurer out of the proper fund.

§ 15. Penalty For Violation Of Provisions Of Chapter.) Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars.

§ 16. Authority Of Overseers Of Highways Over Destruction Of Noxious Weeds Suspended; When.) In any county, city, village, district or township which adopts the provisions of this chapter, the authority granted to overseers of highways under the provisions of section 63-0106 of the North Dakota Revised Code of 1943 shall be suspended with reference to noxious weeds while the provisions of this Act are in effect in such county, city, village district or township.

§ 17. Repeal.) Chapter 63-02 of the North Dakota Revised Code of 1943 be and the same is hereby repealed.

§ 18. 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 11, 1955.

CHAPTER 350

H. B. No. 581
(Power and Overbo)

CUTTING WEEDS AND GRASSES ADJOINING
COUNTY AND TOWNSHIP HIGHWAYS

AN ACT

To amend and reenact sections 63-0305 and 63-0306 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the cutting of weeds and grasses adjoining county and township highways.

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

§ 1. Amendment.) Section 63-0305 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

63-0305. Landowners Along County And Township Highways To Destroy Noxious Weeds.) From and after the passage

and approval of this Act, it shall be the duty of landowners, owning land adjoining regularly traveled county and township highways as designated by the township board of supervisors in organized townships, the board of county commissioners in unorganized townships, and the board of county commissioners in the case of county highways, to cut and destroy all weeds and grasses along such regularly traveled highways adjoining their lands, including weeds and grasses growing within the public right of way bordering such highways and their lands, and such cutting shall be done not later than the tenth day of July of each year.

§ 2. Amendment.) Section 63-0306 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

63-0306. Failure To Destroy Weeds; Expense Certified As Tax Against Land.) If any landowner or his tenant shall fail to cut the weeds and grasses along township highways, as provided in section 63-0305, between September fifteenth and October first, unless by special permission from the township board of supervisors or board of county commissioners, it shall be the duty of the township board or board of county commissioners, as the case may be to cause such weeds and grasses to be cut between October first and November first of each year, and the expense of cutting such weeds and grasses in each organized township or county shall be certified to the county auditor by the clerk thereof, and all of such charges in organized and unorganized townships or counties shall be charged against the land of the landowner thus failing to cut such weeds and grasses and shall become a part of the taxes to be levied against such land for the ensuing year and shall be collected in the same manner as other real estate taxes are collected, and placed to the credit of the respective subdivisions entitled thereto. This Act shall not apply to any state or federal highways. The amount charged against the adjoining owner shall not exceed the sum of \$15.00 per running mile, a running mile being defined as one side of such highway for a distance of one mile.

Approved March 10, 1955.

WEIGHTS, MEASURES, AND GRADES

CHAPTER 351

S. B. No. 209
(Page and Hernet)

DEFINING "GASOLINE PUMP" AS MEASURING DEVICE

AN ACT

To amend and reenact subsection 3 of section 64-0201 of the North Dakota Revised Code of 1943 to broaden the definition of "Gasoline pump" contained herein.

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

§ 1. **Amendment.)** Subsection 3 of section 64-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. "Gasoline pump" shall include any pump, meter, or similar device used for measuring gasoline, kerosene, fuel oil or other liquid fuel for sale.

Approved March 3, 1955.

CHAPTER 352

S. B. No. 211
(Page and Hernet)

FEE SCHEDULE FOR INSPECTION OF WEIGHING AND MEASURING DEVICES

AN ACT

To amend and reenact section 64-0210 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. **Amendment.)** Section 64-0210 of the 1953 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	\$15.00
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	\$ 1.25
For inspecting all counter and computing scales	\$ 1.25
For inspecting every patent balance, beam steel yard, or other instrument used for weighing other than the above enumerated, each	\$ 1.25
For inspecting any two bushel or one bushel measure ..	\$.50
For inspecting any other dry measure, each	\$.25
For inspecting any liquid measure or computing pump	\$ 1.25
For inspecting liquid measures of five gallons or less capacity, each	\$.50
For inspecting gasoline and fuel oil meters	\$ 8.00
For inspecting propane meters	\$10.00
For inspecting any board of cloth measure, each	\$.25
For calibrating truck tanks of one thousand gallons capacity and under	\$10.00
Truck tanks between one thousand gallons and two thousand gallons	\$15.00
Truck tanks between two thousand gallons and three thousand gallons	\$20.00
Truck tanks between three thousand gallons and four thousand gallons	\$25.00
Truck tanks between four thousand gallons and five thousand gallons	\$30.00
Truck tanks between five thousand gallons and six thousand gallons	\$35.00
Truck tanks above six thousand gallons	\$40.00

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 three dollars per hour for the actual time consumed in making such corrections, and shall receive reasonable compensation for any material used in such corrections.

Whenever a special inspection of any measuring device is required, in addition to the regularly scheduled annual inspection made by the department, a charge of ten cents per mile will be made in addition to the regular inspection fee to cover the costs of the additional travel by the inspector occasioned by such special inspection.

Approved March 9, 1955.

CHAPTER 353

S. B. No. 210
(Page and Hernet)

LICENSING COIN-WEIGHING MACHINE OR SCALE
AND GASOLINE PUMP

AN ACT

To amend and reenact section 64-0216 of the North Dakota Revised Code of 1943.

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

§ 1. **Amendment.**) Section 64-0216 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

64-0216. Licensing Coin-weighing Machine Or Scale And Public Gasoline Pump Required; Fee.) Every person who shall use or display for use any public coin-weighing machine or scale or public gasoline pump shall secure a license for such scale or pump from the department. The license fee shall be two dollars per annum for each such gasoline pump and two dollars and twenty-five cents per annum for each such scale. Each license shall expire on June thirtieth of the year following its issuance. The proceeds from such fees shall be paid into the general fund of the state treasury.

Approved March 5, 1955.

WORKMEN'S COMPENSATION

CHAPTER 354

S. B. No. 34

(Legislative Research Committee)

WORKMEN'S COMPENSATION; BUREAU; PROCEDURE; INJURIES; ETC.

AN ACT

To amend and reenact subdivisions 5b3 and 5c and subsection 6 of section 65-0102; and sections 65-0109, 65-0201, 65-0205, 65-0425, 65-0427, 65-0505, 65-0511, 65-0512, 65-0513, 65-0517, 65-0801, 65-0518, 65-1001, and 65-1103 of the North Dakota Revised Code of 1943 as amended; and to repeal section 10 of chapter 344 of the North Dakota Session Laws of 1951 relating to workmen's compensation.

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

§ 1. **Amendment.**) Section 65-0205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0205. Office Space For Bureau; Expenditures From Fund For Assistants And Supplies; Mileage.) The bureau shall be provided with office space in the state capitol. The bureau, at the expense of the fund, shall provide all necessary equipment, supplies, stationery, and furniture, and all clerical and other help necessary to carry out the provisions of this title. The members of the bureau and its assistants shall be entitled to receive from the fund for each mile actually and necessarily traveled in the performance of official duty by motor vehicle or team the sum provided in chapter 54-06, as amended. If travel is by a motor vehicle owned by the state, or by any department or political subdivision thereof, no allowance shall be paid for such mileage. Vouchers for mileage and expenses shall be sworn to and shall bear the approval of the chairman before payment is made therefor. Expenditures made under the provisions of this section, however, must be within the limitations designated by the legislative assembly in appropriation measures adopted from time to time.

§ 2. **Amendment.**) Section 65-0427 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0427. Payment Of Claims Where Employers In Default.) The payment of a judgment rendered in an action brought

against an employer for the collection of defaulted premiums, or the voluntary payment of the amount of premium, penalties, and costs prior to judgment shall entitle the employer and his employees to the benefits provided in this title from the date of the pay-in-order which bills the employer for the premiums. Where the injury is sustained in an employment when the premium is in default the injured employee shall be paid the same as where the premium is not in default.

§ 3. **Amendment.)** Section 65-0801 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0801. Extraterritorial Coverage When And How Furnished.) Compensation shall be paid on account of injuries occurring outside this state or because of death due to an injury occurring outside of this state only when:

1. The employee is a duly qualified peace officer of this state who received injury or was killed outside of this state in the course of his employment; or
2. The employee sustains an injury beyond the borders of this state in a service which is incidental to and is referable to the principal employment, the situs of which is within North Dakota;
3. The employer and the bureau previously shall have contracted for insurance protection for employees while working outside of this state in the employment in which the injury occurred, which employment is not incidental to or referable to the principal employment the localization and situs of which is not in North Dakota.

§ 4. **Amendment.)** Section 65-0518 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0518. Provisions Of Section 65-0517 Retroactive.) The provisions of section 65-0517 as amended establishing a minimum weekly wage of thirty dollars shall be retroactive as of July 1, 1953, and the bureau, upon application or upon its own motion, shall adjust compensation paid or payable since that date in accordance with this section.

§ 5. **Amendment.)** Section 65-1001 of the 1953 Supplement to the North Dakota Revised Code of 1943, approved March 9, 1951, 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 28-32 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.

§ 6. Amendment.) Paragraph 3 of subdivision b and subdivision c of subsection 5; and subsection 6 of section 65-0102 of the North Dakota Revised Code of 1943, as amended, are hereby amended and reenacted to read as follows:

- 5b3. Any executive officer of a business concern shall mean only the president, vice presidents, secretary, or treasurer of a business corporation whose duties are solely those of such executive office, and if an executive officer also performs duties of a kind generally performed by an employee, such employment is not exempt;
- 5c. Persons employed by 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 who shall be liable and responsible for the payments of premium for the coverage of these employees until the sub-contractor or independent contractor has secured the necessary coverage and paid the premium therefor. This subdivision shall not be construed as imposing any liability upon a general contractor other than liability to the bureau for the payment of premiums which are not paid by a sub-contractor or independent contractor;

[Note: Senate Bill 34 contained all of subsection 6 of section 65-0102 in brackets, in effect repealing the subsection by deletion. The provisions of subsection 6 are now incorporated into subsection 5b3.]

§ 7. Amendment.) Section 65-0109 of the 1953 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 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 or to be 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 or what is to be paid on such claim if the claimant or his dependents do not institute suit within sixty days after date of injury the bureau may bring the action in its own name and as trustee for the claimant or his dependents. If the action is brought by the claimant or his dependents, the actual cost of such litigation shall be prorated between the claimant and the bureau should any damages be awarded and no fees shall be allowed for any recovery made for the bureau without first obtaining the bureau's approval thereon. If no damages are awarded the cost of litigation shall be paid by the party instituting the action.

§ 8. Amendment.) Section 65-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0201. Workmen's Compensation Bureau; Membership; Terms Of Office.) The North Dakota workmen's compensation bureau shall be maintained for the administration of the provisions of this title. Such bureau shall consist of three workmen's compensation commissioners who shall be appointed by the governor. The terms of the commissioners shall be six years, and shall be arranged so that the term of one commissioner, and of only one, shall expire on the tenth day of July in each odd-numbered year. One of the commissioners shall be a representative of labor, one shall be a representative of the public, and one shall be a representative of the employers. The commissioners shall devote their entire time to the duties of the bureau, and each commissioner shall serve until his successor has been appointed and qualified. Any commissioner may be removed by the governor for cause.

§ 9. Amendment.) Section 65-0425 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0425. Service Of Nonresident Employer In Suit For Premium Or In Suit Against An Uninsured Employer.) If the employer in an action to collect delinquent premiums or for injuries sustained in his employment for which he did not carry the required insurance is a nonresident of this state, or a foreign corporation doing business in this state, service of the summons may be made upon any agent, representative, or foreman of said employer in this state, and where there is no agent, representative, or foreman upon whom service can be made service upon the secretary of state shall constitute personal service upon such nonresident employer who has either failed to secure the necessary coverage or who is delinquent in his premiums, or service may be made in any other manner designated by law.

§ 10. Amendment.) Section 65-0505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0505. Payments Made To Insured Employees Injured In Course Of Employment And To Their Dependents.) The bureau shall disburse the fund for the payment of compensation and other benefits as provided in this chapter to employees, or to their dependents in case death has ensued, who:

1. Are subject to the provisions of this title;
2. Are employed by employers who are subject to this title; and
3. Have been injured in the course of their employment.

Where the injury is sustained outside the state of North Dakota and compensation is claimed and received through some other state act no compensation shall be allowed under this title.

§ 11. Amendment.) Section 65-0511 of the 1953 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 thirty-one dollars and fifty cents, except where an allowance for dependents is made in compliance with section 65-0509, nor less than fifteen dollars. The weekly compensation for partial disability shall not be more than thirty-one dollars and fifty cents. 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.

§ 12. Amendment.) Section 65-0512 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0512. Permanent Partial Disability; Weekly Compensation; Time Paid.) If the injury causes permanent partial disability, the percentage which such disability bears to total disability shall be determined, and the fund shall pay to the disabled employee a weekly compensation in the sum of thirty-one dollars and fifty cents per week for the following periods:

For a one percent disability	5 weeks;
For a ten percent disability	50 weeks;
For a twenty percent disability	100 weeks;
For a thirty percent disability	150 weeks;
For a forty percent disability	200 weeks;
For a fifty percent disability	250 weeks;
For a sixty percent disability	300 weeks;
For a seventy percent disability	350 weeks;
For an eighty percent disability	400 weeks;
For a ninety percent disability	450 weeks;

Provided, however, that where an injured employee is earning a salary which at sixty-six and two-thirds percent of said salary did not produce an award of thirty-one dollars and fifty cents per week the difference between thirty-one dollars and fifty cents per week and sixty-six and two-thirds percent of the actual salary be charged to the general fund, and not to the risk of the employer. This proviso shall also apply to payments made under 65-0513.

§ 13. Amendment.) Section 65-0513 of the 1953 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 thirty-one dollars and fifty cents 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 the 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	200 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 the 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 from some independent cause, the right of any compensation payable under section 65-0512 of this section, unpaid at the date of his death shall survive and pass to his dependent spouse, minor children, parents, or his estate and in that order named.

§ 14. Amendment.) Section 65-0517 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0517. Weekly Compensation For Death.) If death results from an injury under the conditions specified in section 65-0516, the fund shall pay to the following persons, for the periods specified, a weekly compensation equal to the following percentages of the deceased employee's weekly wages:

1. To the widow, if there is no child, forty-five percent, and such compensation shall be paid until her death or remarriage;
2. To the widower, if there is no child, forty-five percent if he was wholly dependent upon the support of the deceased employee at the time of her death, and such compensation shall be paid until his death or remarriage;
3. To the widow or widower, if there is a child, the compensation payable under subsections 1 or 2, and in addition thereto, ten percent for each child. Such compensation, however, shall not exceed a total of seventy-five percent for the widow or widower and the children. The compensation payable on account of any child shall cease when such child dies, marries, or reaches the age of eighteen years, or, if over eighteen years of age and incapable of self-support, becomes capable of self-support;
4. To the children, if there is no widow or widower, twenty-five percent for one child and ten percent additional for each additional child, not exceeding, however, a total of seventy-five percent. The compensation hereunder shall not be for the specific children but shall be divided share and share alike. Compensation for each child shall be paid until such child dies, marries, or reaches the age of eighteen years, or if over eighteen years of age and incapable of self-support, becomes capable of self-support. Compensation for a child under legal age shall be paid to its guardian;

5. To the parent, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five percent; if both are wholly dependent, twenty percent to each; if one or both are partially dependent, a proportionate amount in the discretion of the bureau. The foregoing percentages shall be paid only if there is a widow, widower, or child. If there is a widow, widower, or child, there shall be paid only such part of the foregoing percentages that, when added to the total of the percentages payable to the widow, widower, and children, the sum shall not exceed the total of seventy-five percent. The compensation of each such beneficiary may continue until such parent dies, remarries or ceases to be a dependent.
6. To a brother, sister, grandparent, or grandchild who is wholly dependent upon the deceased employee for support at the time of his death, twenty percent; if no more than one are wholly dependent, thirty percent divided among such dependents, share and share alike; if none of them are wholly dependent but one or more are partly dependent, ten percent divided among such dependents, share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent, there shall be paid only such part of the foregoing percentages that, when added to the total percentage payable to the widow, widower, children, and dependent parents, the sum shall not exceed a total of seventy-five percent. The compensation of each such beneficiary shall be paid for a period of eight years from the time of the death of the employee unless before that time, he, if a grandparent, dies, remarries, or ceases to be dependent, or if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen years, or if over eighteen years of age and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his guardian.

The weekly wages of the deceased employee shall be considered to have been not more than forty dollars, and not less than thirty dollars.

In addition to the awards made to a pensioner herein the commissioners shall make an award in the sum of three hundred dollars to the widow of the deceased and one hundred dollars to each dependent child, the total amount of such additional award not to exceed six hundred dollars, and such additional award shall be charged to the general fund. This

paragraph shall apply to claims filed from and after the taking effect of this Act.

§ 15. **Amendment.**) Section 65-1103 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-1103. Salary Of Safety Engineer.) The salary of the safety engineer shall be the sum appropriated for that purpose by the legislative assembly, plus necessary travel expenses.

§ 16. **Repeal.**) Section 10 of chapter 344 of the North Dakota Session Laws of 1951 is hereby repealed.

Approved March 11, 1955.

CHAPTER 355

H. B. No. 561

(Fristad, Schmidt and Knudson (Morton))

BOILER INSPECTION AND CERTIFICATE REQUIREMENT

AN ACT

To amend and reenact subsection 3 of section 65-1204, sections 65-1206 and 65-1211 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to boiler inspection and certificate requirements.

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

§ 1. **Amendment.**) Subsection 3 of section 65-1204 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. Boilers carrying a pressure of not more than fifteen pounds per square inch which are equipped with safety devices approved by the bureau unless located in theatres, schools, hospitals, licensed homes for the aged, orphanages or publicly owned buildings.

§ 2. **Amendment.**) Section 65-1206 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-1206. Certificate Of Inspection.) A certificate of inspection for each boiler inspected shall be issued by the bureau upon payment direct to the bureau of a fee of two dollars. Such inspection certificate shall be valid for a period of not

more than fourteen months for power boilers and twenty-six months for low pressure heating boilers. No certificate of inspection shall be issued for any boiler not in a safe condition to be operated. The inspection fees for the inspection of non-insured boilers must be paid before a certificate of inspection is issued.

§ 3. **Amendment.**) Section 65-1211 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-1211. Inspection Fees.) The owner or user of a boiler required by this Act to be inspected by the boiler inspector, shall pay to the bureau, upon completion of inspection, fees in accordance with the following schedule:

1. Internal inspections of power boilers:
 - a. Not more than 100 square feet of heating surfacefour dollars
 - b. Over one hundred and not more than two thousand five hundred square feet of heating surfaceten dollars
 - c. Over two thousand five hundred square feet of heating surfacetwelve dollars
2. Internal inspections of low pressure heating boilers:
 - a. Boilers without a manholethree dollars
 - b. Boilers with a manholeten dollars
3. External inspections of all boilersthree dollars

Not more than fifteen dollars shall be charged or collected for any and all inspections, as above, of any boiler in any one year except for special inspections made upon request as hereafter provided. All other inspections made by the boiler inspector including shop inspections and special inspections when requested by the owner or user of a boiler, shall be charged for on the scale applicable to an internal inspection plus any additional expenses incurred in connection therewith.

Approved February 8, 1955.

INITIATED MEASURE, APPROVED

CHAPTER 356

PROHIBITING LEGISLATORS FROM DOING BUSINESS WITH THE STATE, UNDER CERTAIN CONDITIONS

An initiated measure for an Act prohibiting members of the Legislative Assembly and their spouses, and partnerships, corporations and associations in which such members or spouses have a specified interest, from doing business with the state of North Dakota or its subdivisions under certain conditions, and providing penalties.

Be It Enacted by the People of the State of North Dakota:

No member of the Legislative Assembly of the state of North Dakota, his spouse, nor a partnership, corporation or association, in which such member or spouse, has an ownership of five percent or more of the assets, shall perform any work, labor or services, or provide any material, supplies or merchandise, for the state of North Dakota, or any of its subdivisions for a consideration in excess of a total of ten thousand (\$10,000.00) dollars during any calendar year for such work, labor, services, material, supplies and merchandise.

Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and shall forfeit any consideration received during, or as a result of, or in connection with the violation of this Act.

Approved June 29, 1954.

75362 to 61780

CONSTITUTIONAL AMENDMENT APPROVED

CHAPTER 357

CAPITAL STOCK OF AND INDEBTEDNESS OF CORPORATIONS (Chapter 355, S.L. 1953)

ARTICLE 64

§ 138.) No corporation shall issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained.

Approved June 29, 1954.

66234 to 65802

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 358

HOUSE CONCURRENT RESOLUTION "D" (Committee on Veterans and Military Affairs)

KOREAN VETERANS BONUS

A concurrent resolution providing for the issuance, sale and delivery of the bonds of the state of North Dakota not to exceed the sum of \$9,000,000.00 to be used in the payment of an adjusted compensation to North Dakota veterans of the Korean conflict who served in the armed forces of the United States or any of its allies between June 25, 1950 and July 27, 1953.

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 hereby agreed to and shall be submitted to the qualified electors of North Dakota at the primary election in June, 1956, in accordance with the provisions of section 202 of the North Dakota Constitution.

The Constitution of the state of North Dakota shall be amended by adding thereto the following article to the amendments to the Constitution of North Dakota.

ARTICLE 65

SECTION 1. The legislative assembly of the state of North Dakota is hereby authorized and empowered to provide by legislation for the issuance, sale and delivery of the bonds of the state of North Dakota in the principal amount not to exceed \$9,000,000.00, the proceeds thereof to be used in payment of adjusted compensation to North Dakota veterans of the Korean conflict who served in the armed forces of the United States or any of its allies during the period from June 25, 1950 to July 27, 1953 on the basis of terms of service, and under such terms and conditions as the legislative assembly may prescribe.

Filed March 3, 1955.

CHAPTER 359

HOUSE CONCURRENT RESOLUTION "O"
(Beede and Nygaard)

COMPENSATION FOR PRIVATE PROPERTY; JURY TRIAL

A concurrent resolution for an amendment of section 14 of the Constitution of the state of North Dakota.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the following proposed amendment to section 14 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the primary election to be held in June, 1956 in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

§ 1.) Section 14 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, provided however, that when the state or any of its departments, agencies or political subdivisions seeks to acquire right of way, it may take possession upon making an offer to purchase and by depositing the amount of such offer with the clerk of the district court of the county wherein the right of way is located. The clerk shall immediately notify the owner of such deposit. The owner may thereupon appeal to the court in the manner provided by law, and may have a jury trial, unless a jury be waived, to determine the damages.

Filed March 9, 1955.

CHAPTER 360

HOUSE CONCURRENT RESOLUTION C-2
(Sticka, Leet and Lindberg)

LEGISLATIVE PAY

A concurrent resolution for the amendment of section 45 of the Constitution of the state of North Dakota relating to the compensation of members of the legislative assembly.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

The following amendment to section 45 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the primary election to be held in June, 1956, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota:

§ 1.) Section 45 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 45. Each member of the legislative assembly shall receive as compensation for his services for each session, ten dollars per day as salary, plus ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly, on the most usual route.

Filed March 9, 1955.

CHAPTER 361

HOUSE CONCURRENT RESOLUTION T-1
(Bjella, Esterby, Link, Poling and Rolfsrud)

WILLISTON EDUCATIONAL INSTITUTION

A concurrent resolution for an amendment to section 216 of the Constitution of the state of North Dakota, and directing the legislative assembly to establish an educational institution at Williston.

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, 1956, in accordance with the provisions of section 202 of the North Dakota Constitution:

§ 1. Amendment.) Section 216 of the Constitution of the state of North Dakota is hereby reenacted to read as follows:

SECTION 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred seventy thousand acres of land made by the United States for "other educational and charitable institutions" as is allotted by law, namely:

First: A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand acres of land.

Second: 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.

Third: An industrial school and school for manual training or such other educational or charitable institution as the legislative assembly may provide at the town of Ellendale, in the county of Dickey, with a grant of forty thousand acres.

Fourth: A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

Fifth: A scientific school or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand acres.

Sixth: A state normal school at the city of Minot in the county of Ward.

Seventh: (a) A state normal school at the city of Dickinson, in the county of Stark. (b) A state hospital for the insane at such place within this state as shall be selected by the legislative assembly, provided, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this constitution.

Eighth: A trade school or such other educational institution as the legislative assembly shall prescribe to be located at the city of Williston, in the county of Williams.

Filed March 9, 1955.

CHAPTER 362

SENATE CONCURRENT RESOLUTION "A"
(Legislative Research Committee)

PUBLICATION OF SUPREME COURT DECISIONS

A concurrent resolution for an amendment of section 93 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:

That the following proposed amendment to section 93 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the primary election to be held in June, 1956, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

§ 1.) Section 93 of the Constitution of the state of North Dakota is hereby reenacted to read as follows:

SECTION 93. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judges thereof, and who shall hold their offices during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law and by rules of the supreme court not inconsistent with law. The decisions of the supreme court shall be published or recorded in the manner and form prescribed by the legislative assembly.

Filed March 5, 1955.

CHAPTER 363

SENATE CONCURRENT RESOLUTION "M"
(Hernett, Hagen, Duffy, Page and Leier)

HIGHWAY CONSTRUCTION BOND ISSUE

A concurrent resolution for an amendment to the Constitution of the state of North Dakota authorizing a bond issue for the construction of highways.

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, 1956, in accordance with the provisions of section 202 of the North Dakota Constitution:

§ 1.) The Constitution of the state of North Dakota shall be amended by adding thereto the following article:

The legislative assembly of the state of North Dakota is hereby authorized and empowered to provide by legislation for the issuance, sale, and delivery of bonds of the state of North Dakota in the principal amount of not to exceed fifty-four million dollars, the proceeds thereof to be used in the construction and reconstruction of highways, roads, streets, and bridges of the North Dakota state highway system.

Filed March 9, 1955.

CHAPTER 364

SENATE CONCURRENT RESOLUTION "W" (Leier, Duffy, Kusler and Berube)

INDIAN JURISDICTION

A concurrent resolution for an amendment of paragraph 2 of section 203 of the Constitution of the state of North Dakota, relating to state jurisdiction over lands of the United States and Indian lands.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

The following amendment to paragraph 2 of section 203 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the primary election to be held in June, 1956, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended:

§ 1.) Paragraph 2 of section 203 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

Second. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the

United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States, provided, however, that the legislative assembly of the state of North Dakota may, upon such terms and conditions as it shall adopt, provide for the acceptance of such jurisdiction as may be delegated to the state by act of congress; that the lands belonging to citizens of the United States residing without this state shall never be taxed at a higher rate than the lands belonging to residents of this state; that no taxes shall be imposed by this state on lands or property therein, belonging to, or which may hereafter be purchased by the United States or reserved for its use. But nothing in this article shall preclude this state from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such an extent, as is, or may be provided in the act of congress granting the same.

Filed March 9, 1955.

CONSTITUTIONAL AMENDMENT DISAPPROVED

GRADUATED LAND TAX (Initiated)

A constitutional amendment to amend and reenact section 176 of the Constitution of the state of North Dakota, relating to taxation and authorizing a graduated real property tax and classification of property.

Disapproved June 29, 1954.

85123 to 67286

INITIATED MEASURES, DISAPPROVED

EXEMPTION OF SALES OF FOOD FROM SALES TAX

An initiated measure to amend and reenact section 3 of chapter 332 of the Session Laws of 1953 to provide that sales of food for human consumption shall be exempt from the sales tax.

Disapproved November 2, 1954.

118339 to 73472

HOURS OF SALE AND CLOSING OF PLACES SELLING ALCOHOLIC BEVERAGES

An initiated measure to amend and reenact section 1 of chapter 49 of the Session Laws of the state of North Dakota for 1945, being section 5-0123 of the 1949 Supplement to the North Dakota Revised Code of 1943, providing for hours of sale of alcoholic beverages, and further providing for hours of closing of places where alcoholic beverages are sold.

Disapproved November 2, 1954.

111228 to 87203

ONE CENT NONREFUNDABLE MOTOR VEHICLE FUEL TAX

An Act to provide funds for construction, reconstruction and maintenance of 2,400 miles of rural roads, to be designated as the "B" system, by enacting a one cent nonrefundable motor vehicle fuel tax; providing for definitions and methods of procedure for assessment, collection and administration of said tax; and providing for repeal of the one cent motor vehicle fuel tax now collected for payment and retirement of state highway revenue anticipation certificates.

Disapproved November 2, 1954.

109057 to 82290

ALLOCATION OF TAX DERIVED FROM SALES OF PERSONAL PROPERTY INTENDED FOR HIGHWAY USE

An Act relating to retail sales tax revenue and providing for allocation to the state highway department of the portion of such revenue which is derived from sales of personal property intended for highway use; allocating seven-twelfths and five-twelfths of the revenue remaining to state equalization fund purposes and public welfare board purposes respectively; and providing for repeal of conflicting acts or parts of acts.

Disapproved November 2, 1954.

109077 to 78566

SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION A-1 (Holand and Leier)

LEGISLATIVE RESEARCH COMMITTEE STUDY OF WELFARE PROGRAMS

A concurrent resolution authorizing and directing the legislative research committee to conduct a comparative study of the old age assistance and aid to dependent children programs in the state of North Dakota.

WHEREAS, no detailed study and analysis of the old age assistance and aid to dependent children programs in North Dakota has been made in recent years by the legislative assembly; and

WHEREAS, it appears desirable that these programs be re-evaluated in the light of existing conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the legislative research committee is hereby authorized and directed to supervise and conduct a detailed comparative study and analysis of old age assistance in the state of North Dakota, including but not limited to an analysis of per capita cost, average payments, basis of payments, cost to state and county of any increased benefits, equitable reapportionment of costs between county and state; and a parallel study of the aid to dependent children program; such studies shall include a survey of county and state welfare boards to determine their views as to existing deficiencies, if any, in either program; and the legislative research committee shall make its report and recommendations to the Thirty-fifth Legislative Assembly in such form as it may deem expedient.

BE IT FURTHER RESOLVED, That the state public welfare department shall provide such assistance and make available such data as the legislative research committee may deem necessary in making these studies.

Filed March 9, 1955.

SENATE CONCURRENT RESOLUTION "B"
(Legislative Research Committee)

**RESALE OF SURPLUS LANDS; REQUEST FOR
LEGISLATION BY CONGRESS**

A concurrent resolution memorializing congress to authorize the bureau of reclamation and the army corps of engineers to resell surplus lands above the normal pool level of water impoundments in North Dakota to the original land owners.

WHEREAS, the bureau of reclamation of the department of interior and the army corps of engineers have acquired a substantial amount of land in fee along the Heart Butte reservoir and the Garrison Dam reservoir in the state of North Dakota, which is above the normal pool level of such impoundments; and

WHEREAS, the above federal agencies have no need for any interest in such lands except to protect such agencies from damage in extremely unusual years when the water level of these impoundments rises above the normal pool level; and

WHEREAS, it appears that a flowage easement running to such agencies would adequately protect their interests; and

WHEREAS, the great majority of the former land owners who sold such lands to the federal agencies involved through condemnation proceedings or threat thereof desire to reacquire such surplus lands above the normal pool level of the above impoundments;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN: that the United States Congress is hereby requested to pass suitable enabling legislation to authorize the bureau of reclamation of the department of interior and the army corps of engineers to resell such lands to the former landowners upon similar terms as those under which the lands were acquired subject to a flowage easement to the federal agencies involved, and that copies of this concurrent resolution be forwarded to all members of congress from the state of North Dakota by the secretary of the senate.

Filed March 9, 1955.

SENATE CONCURRENT RESOLUTION B-1
(Committee on Veterans and Military Affairs)

VETERANS HOSPITALS TO REMAIN OPEN

A concurrent resolution relating to the recommendations of the Hoover Commission for the closing of the Minot and Fargo veterans hospitals.

WHEREAS, a recent report of the Hoover commission after a study of the veterans administration has recommended that the veterans hospitals at Fargo and Minot be closed; and

WHEREAS, adoption of the report of the Hoover commission would mean that veterans of the state of North Dakota would have to travel for medical treatment between 250 and 650 miles to Minneapolis where the nearest veterans hospital would be located; and

WHEREAS, such action would result in unfair discrimination and hardship to the veterans of the state of North Dakota who are in need of medical treatment;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN: That the President and Congress of the United States are hereby urged and requested to allow the veterans hospitals in the cities of Fargo and Minot in the state of North Dakota to remain open in order to provide adequate and accessible medical treatment to the veterans of this state.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the secretary of the senate to the President of the United States, the chairmen of the house and senate military affairs committees of the United States Congress, the commissioner of veterans affairs, and to all members of the North Dakota congressional delegation.

Filed March 5, 1955.

SENATE CONCURRENT RESOLUTION "C"
(Legislative Research Committee)

GARRISON RECREATION AREAS

A concurrent resolution requesting the army corps of engineers to provide for the development of recreational areas along the Garrison Dam reservoir and authorizing the state historical society to explore avenues of cooperation in the management and maintenance of such areas.

WHEREAS, the Garrison Dam reservoir when filled to the normal operating level will be the largest body of water in the state of North Dakota and the only body of water in western North Dakota with shore areas suitable for the development of substantial recreational areas; and

WHEREAS, the people of the state of North Dakota desire to obtain the fullest use of the recreational opportunities resulting from the impoundment of the waters in the Garrison Dam reservoir;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that the army corps of engineers is hereby urged and requested to provide for the full development of the desired recreational opportunities afforded in the area, and that the state historical society is hereby authorized to explore avenues of cooperation in the selection, management, and maintenance of such areas.

BE IT FURTHER RESOLVED that copies of this concurrent resolution be forwarded to the district engineer of the army corps of engineers by the secretary of the senate with the request that the resolution be further forwarded through channels to the proper person in authority within the army corps of engineers, and that copies also be sent to the North Dakota congressional delegation.

Filed March 9, 1955.

SENATE CONCURRENT RESOLUTION C-1
(Judiciary Committee)

LEGISLATIVE RESEARCH COMMITTEE REVISION OF
CORPORATION LAWS

A concurrent resolution authorizing and directing the legislative research committee, in cooperation with the state bar association and the cooperative corporations of this state, to study and revise the laws of this state governing business corporations and cooperative corporations or associations.

WHEREAS, a new model business corporation Act has been introduced at this session of the legislature, but action upon such bill has been indefinitely postponed upon the grounds that it did not fully adapt the model Act to the needs and desires of North Dakota corporations or fully correlate the proposed Act with other laws of this state; and

WHEREAS, the corporation laws governing business corporations have grown obsolete and are in need of revision; and

WHEREAS, representatives of cooperative corporations of this state have requested that the laws governing the cooperative corporations be consolidated and revised to meet the present needs of such corporations;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the legislative research committee is hereby authorized and directed to study and revise the laws of this state governing business corporations and to submit suitable legislation to the Thirty-fifth Legislative Assembly to accomplish this revision; and

BE IT FURTHER RESOLVED that the legislative research committee is hereby authorized and directed to study and revise the laws of this state governing cooperative corporations and to submit suitable legislation to the Thirty-fifth Legislative Assembly to accomplish this revision; and

BE IT FURTHER RESOLVED that in accomplishing such revision and correlation, the legislative research committee shall call upon the state bar association and such representatives of cooperative corporations or associations as may desire to participate, for advice, consultation and assistance in the course of its work and study.

Filed March 5, 1955.

SENATE CONCURRENT RESOLUTION "D"
(Hagen, Solberg, Schoeder, Berube, Dewing, Fraser, Knudson)

**SUSPENSION OF ACREAGE CONTROLS ON DURUM WHEAT
DURING 1955**

A concurrent resolution requesting the secretary of agriculture of the United States to suspend acreage controls on durum wheat during 1955.

WHEREAS, North Dakota produces approximately eighty-five percent of all durum wheat grown in the United States, and the legislature of the state of North Dakota is vitally interested in the production of this crop, and

WHEREAS, approximately eighty-five percent of the durum crop planted in North Dakota during the 1954 crop season was lost due to rust, making the year 1954 the third consecutive year in which the production of durum wheat was far below normal and below the needs of the United States, and

WHEREAS, because durum wheat is far superior to other grain in the manufacture of macaroni products, the shortage of durum wheat has handicapped the entire macaroni industry;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN: that the secretary of agriculture of the United States is hereby urged and requested to suspend acreage controls upon the planting and raising of durum wheat during the year 1955, and that permission be granted to plant and raise durum wheat upon any acreage displaced from production by acreage controls upon other grain, and

BE IT FURTHER RESOLVED that the secretary of the senate forward copies of this resolution to the secretary of agriculture of the United States, to the North Dakota congressional delegation, and to the chairman of the respective committees on agriculture of the United States senate and house of representatives.

Filed January 25, 1955.

SENATE CONCURRENT RESOLUTION D-1
(Judiciary Committee)

WORKMEN'S COMPENSATION BUREAU INVESTIGATION

A concurrent resolution creating an interim committee of five members to supervise an investigation of the workmen's compensation bureau and its operation.

WHEREAS, it appears that there may be rules and practices adopted by the workmen's compensation bureau which work hardship on certain groups and classifications as far as rates are concerned;

WHEREAS, there is the possibility that more harmonious and efficient operation of the bureau's business might result through a reorganization of the practices and procedures; and

WHEREAS, it is deemed advisable to examine the system of handling claims in order to consider the possibility of making the same more efficient.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN; that there is hereby created an interim committee of five members, two to be selected by the senate, two to be selected by the house of representatives, the fifth to be the speaker of the house of representatives, which committee shall supervise a complete study of the workmen's compensation bureau and all of its operation and business and report thereon in detail to the Thirty-fifth Legislative Assembly.

BE IT FURTHER RESOLVED that said committee shall nominate an assistant attorney general, who shall be appointed by the attorney general to serve on his staff under the direction of said committee and that the attorney general shall supply such clerical help as may be required by the committee.

Filed March 8, 1955.

SENATE CONCURRENT RESOLUTION "F"
(Kamrath, Bilden, Wog and Foss)

SENATOR EDMUND C. STUCKE; FUNERAL EXPENSES

WHEREAS, the Honorable Edmund C. Stucke, a member of this body from the forty-sixth legislative district, who has served in the senate with honor and distinction since 1931, passed away on January 12, 1955;

Now, THEREFORE, BE IT RESOLVED by the senate of the state of North Dakota, the house of representatives concurring therein, that we hereby authorize the sum of seven hundred fifty dollars to be used for the purpose of paying the funeral expenses of Senator Edmund C. Stucke, including the transportation charges of the remains to Garrison, North Dakota. Said sum shall be chargeable and payable as legislative expense.

Filed March 1, 1955.

SENATE CONCURRENT RESOLUTION "G"
(Page)

JOINT SCHOOL FOR THE BLIND

A senate concurrent resolution inviting the governor and members of the South Dakota legislative assembly to meet with similar representatives of the state of North Dakota to explore possibilities of cooperation in the training of the blind.

WHEREAS, the state of North Dakota is presently faced with the immediate problem of providing new facilities for a school for the blind; and

WHEREAS, the state of South Dakota is also concerned with providing similar facilities in that state; and

WHEREAS, members of the legislative assemblies of both states have expressed an interest in exploring the possibilities of cooperation between the states of South Dakota and North Dakota in providing facilities for the training of the blind;

Now, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that an invitation is hereby extended to the governor and members of the legislative assembly of the state of South Dakota, to meet, at their earliest convenience, with similar representatives of the state of North Dakota for the purpose of exploring avenues of cooperation between the two states in providing facilities for the training of the blind.

Filed January 25, 1955.

SENATE CONCURRENT RESOLUTION "H"
(Solberg, Hagen, Rue, Berube, Fraser, Olson, Foss)
(Meidinger, Livingston)

NATURAL GAS CONSUMPTION

A concurrent resolution urging that steps be taken to make available natural gas to the people of North Dakota.

WHEREAS, approximately 20,000,000 cubic feet of gas is being flared daily in the Beaver Lodge and Tioga oil fields of North Dakota; and

WHEREAS, such gas should be made available to the people of this state instead of being wasted; and

WHEREAS, this economic waste has already continued too long;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

1. That the operators in the fields be urged to make such gas available to people and communities of North Dakota at competitive prices;

2. That the utilities now serving the state and those proposing to serve the state be urged to take such effective action, either jointly or singly, as will bring such gas to the consuming public for space heating; and

3. That the public service commission of North Dakota be urged to give priority in hearing and sympathetic consideration of any application coming before it in regard to the distribution and sale of North Dakota natural gas.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Amerada Petroleum Corporation, at Williston, North Dakota, and Tulsa, Oklahoma, and to Hunt Oil Company at Williston, North Dakota, and to the public service commission at Bismarck, North Dakota.

Filed March 9, 1955.

SENATE CONCURRENT RESOLUTION "I"
(Meidinger)

MILK VENDING MACHINE IN THE CAPITOL

WHEREAS, it is to the interest of the dairy farmers and industry of North Dakota to encourage the consumption of milk; and

WHEREAS, the increased consumption of milk will promote the public health;

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the board of administration be and it is hereby authorized and directed to provide facilities for the installation in the capitol building of a sanitary milk dispenser or vending machine.

Filed February 8, 1955.

SENATE CONCURRENT RESOLUTION "J"
(Duffy, Rue, Solberg, and Torno)

TRIBUTE TO JUDGE A. M. CHRISTIANSON

A concurrent resolution expressing the thanks of the members of the legislature of the state of North Dakota, as well as that of all the citizens of the state to a true servant of all the people of the state, and changing the name of the Burlington Project to the "Judge A. M. Christianson Project", in tribute thereto.

WHEREAS, God in His infinite wisdom, has seen fit to remove from our midst, A. M. Christianson, a judge, a man, and a friend, who, during all of his adult life has labored long and conscientiously for the benefit of not only the citizens of the state of North Dakota, but of the United States of America; and

WHEREAS, his services, his efforts, and his wise judgment have long been recognized and appreciated by his fellow attorneys, judges, and other citizens both in and out of public office; and

WHEREAS, Judge A. M. Christianson's influence and service was particularly effective in procuring the transfer of the "Burlington Project" located near Burlington, to the state of North Dakota for the rehabilitation of partially disabled veterans;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN: That we, at this time, express our heartfelt thanks, appreciation, and gratitude to Judge A. M. Christianson for his undying devotion and service to the people of this state and of the United States.

BE IT FURTHER RESOLVED, That in honor of the memory of this great servant of the state of North Dakota, and particularly in memory of his sterling efforts and services in promoting and developing rural rehabilitation, and the rehabilitation of disabled veterans of the United States and their dependents on the "Burlington Project", that, therefore, this project shall henceforth be known and called the "Judge A. M. Christianson Project".

Filed March 3, 1955.

SENATE CONCURRENT RESOLUTION "L"
(Committee on Veterans and Military Affairs)

AMERICAN LEGION MEMORIAL HIGHWAY

A concurrent resolution designating United States highway No. 281 through the state of North Dakota as "American Legion Memorial Highway".

WHEREAS, the United States highway No. 281 extends from the Mexican border to the Canadian border, across the states of Texas, Oklahoma, Kansas, Nebraska, South Dakota and North Dakota and is situated along the geographical center of the United States; and

WHEREAS, the states of Texas, Oklahoma and Kansas have designated said highway through such states as the "American Legion Memorial Highway"; and

WHEREAS, the American Legion, department of North Dakota, at its 36th annual convention at Grand Forks, North Dakota on June 21-22, 1954 passed a resolution requesting that United States highway No. 281 through the state of North Dakota be designated as the "American Legion Memorial Highway";

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That in honor of the American Legion, department of North Dakota, and its members, United States highway No. 281 through the state of North Dakota is hereby designated as

the "American Legion Memorial Highway", and the state highway department is directed to erect suitable signs or markers to properly identify its route.

BE IT FURTHER RESOLVED, That properly authenticated copies of this resolution be transmitted by the secretary of state to the governor, the state highway commissioner, the United States bureau of public roads, and the American Legion, department of North Dakota.

Filed February 23, 1955.

SENATE CONCURRENT RESOLUTION "N"
(Holand, Leier and Baeverstad)

LEGISLATIVE RESEARCH COMMITTEE TON MILE TAX STUDY

A concurrent resolution directing the legislative research committee to study the feasibility of a ton mile tax.

WHEREAS, a bill has been introduced in the Thirty-fourth Legislative Assembly calling for the imposition of a ton mile tax upon certain types of motor vehicles and carriers operating within the state of North Dakota; and

WHEREAS, many arguments have been voiced, both pro and con, as to the highway revenue that such a tax would yield, as to the equities or fairness of the tax, and as to the practicalities of its administration.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the legislative research committee is hereby authorized and directed to study all aspects of the ton mile tax with special emphasis upon the possible yield of such a tax, the equities of the tax, and upon the practical problems involved in its administration, in conjunction with adjoining states and to submit its report and recommendations to the Thirty-fifth Legislative Assembly in such form as it may deem proper and expedient.

Filed February 23, 1955.

SENATE CONCURRENT RESOLUTION "O"
(Duffy and Streibel)

LEGISLATIVE RESEARCH COMMITTEE STUDY OF
MENTAL HEALTH LAWS

A concurrent resolution authorizing and directing the legislative research committee to conduct a study of mental health problems in the state, with a view to introducing appropriate legislation.

WHEREAS, present state laws in the field of mental health have been reported as being inequitable, inefficient, and administratively burdensome; and

WHEREAS, the superintendent and staff of the state hospital at Jamestown, North Dakota have requested a general revision of our mental health laws in keeping with modern trends and scientific knowledge;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN: That the legislative research committee is authorized and directed to conduct a comprehensive study and analysis of mental health laws of this state, with a view to possible introduction of a bill for a single Mental Health Act for consideration by the Thirty-fifth Legislative Assembly.

Filed March 1, 1955.

SENATE CONCURRENT RESOLUTION "Q"
(Freed and Davis)

VETERANS' WIDOWS AND ORPHANS DEATH PENSION
LEGISLATION

A concurrent resolution memorializing the Congress of the United States to enact legislation granting death pensions to surviving widows and orphans of deceased World War II and Korean Conflict veterans, the same as death pensions granted to surviving World War I widows and orphans.

WHEREAS, the Congress of the United States has passed legislation granting death pensions to surviving widows and orphans of deceased veterans of World War I who had ninety days or more of active military service in the armed forces of the United States or who were discharged for disability incurred in active military service in less than ninety days, we believe the same legislation should be passed giving the surviving widows and orphans of deceased World War II and Korean Conflict veterans the same death pensions as are

granted to surviving widows and orphans of World War I due to the fact that the surviving widows of World War II and the Korean Conflict deceased veterans have young children and are very much in need of assistance in caring for their families;

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 memorialized to enact necessary legislation granting to the surviving widows and orphans of deceased World War II and Korean Conflict veterans the same death pensions as are granted to the surviving widows and orphans of World War I deceased veterans.

BE IT FURTHER RESOLVED, That the secretary of state be, and he is hereby instructed to send copies of this resolution properly authenticated to the presiding officer of each house of the national Congress of the United States, and to each of the United States senators and representatives from the state of North Dakota.

Filed March 5, 1955.

SENATE CONCURRENT RESOLUTION "S"
(Committee on Transportation)

**INTERSTATE COMMERCE COMMISSION INVESTIGATION OF
WARNING LAMPS ON TRAINS**

A concurrent resolution urging the interstate commerce commission to investigate the use of lamps or reflectors as warning devices on railroad cars.

WHEREAS, it appears that there have been several serious accidents within the state of North Dakota resulting in loss of life and heavy property damage, which accidents were occasioned by motor vehicles running into the side of railroad cars during the nighttime; and

WHEREAS, proposals have been made that all railroad cars and locomotives should be equipped with reflectors so that such cars and locomotives can be seen from either side or the front or rear for a distance of at least five hundred feet during the nighttime;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That this legislative assembly urge the interstate commerce

commission to conduct an investigation into the matter for the purpose of providing universal safety at all railroad crossings.

BE IT FURTHER RESOLVED that the director of public safety within the state of North Dakota cooperate with such commission in the matter of motor vehicle safety at such crossings, as is more fully provided in chapter 184 of the 1953 Session Laws of the state of North Dakota.

BE IT FURTHER RESOLVED that copies of this resolution, properly authenticated, be sent by the secretary of state to the interstate commerce commission.

Filed March 9, 1955.

SENATE CONCURRENT RESOLUTION "V"
(Hagen, Hernet, Davis, Dewing, Day and Page)

DISCRIMINATION IN ACREAGE ALLOTMENTS FOR
HARD SPRING WHEAT

A concurrent resolution memorializing Congress, the president, and the secretary of agriculture to take appropriate steps to correct unwarranted and unfair discrimination in respect to acreage allotments for hard spring wheat farmers in North Dakota.

WHEREAS, there has never been and there is not now a surplus or over-supply of hard spring wheat; and

WHEREAS, the allotment of hard spring wheat acreage throughout the state of North Dakota is so low in many instances that many farmers can not operate their farms successfully and produce sufficient agricultural products and livestock to provide a livelihood for themselves and their families; and

WHEREAS, there is unquestionably an unfair discrimination against the small hard spring wheat farmers in North Dakota as compared with soft wheat farmers in other states;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That Congress, the president of the United States, and the secretary of agriculture are hereby urged and requested to take all necessary and appropriate steps to provide a premium on milling grades of hard spring wheat and to allocate as a minimum to any operator who has raised one hundred acres or more of hard wheat during the past five years, an acreage equal to the maximum acreage of such operator, but in no event should such allocation if under one hundred acres ever be reduced.

BE IT FURTHER RESOLVED, that the secretary of state is hereby directed to forward properly authenticated copies of this resolution to the President of the United States; to the presiding officers of the United States senate and house of representatives; to the secretary of agriculture; and to each of the senators and representatives of the state of North Dakota in Congress.

Filed March 9, 1955.

SENATE CONCURRENT RESOLUTION "X"
(Krenz, Luick and Dolan)

AGRICULTURAL PILOT RATING

A concurrent resolution memorializing the Congress of the United States to enact legislation which would create an agricultural rating for pilots engaged in the aerial application of agricultural chemicals.

WHEREAS, the need for pilots and airplanes for aerial application of agricultural chemicals in the state of North Dakota and many other midwest farm states is increasing more rapidly than the available commercially licensed pilots; and

WHEREAS, in North Dakota during the year of 1954, over two hundred airplanes and pilots were licensed by the state aeronautics commission to engage in aerial crop spraying and dusting, and as newer chemicals are developed for the control of insects and plant diseases, the needs of the farmers of this state may require as many as three or four hundred agricultural planes and pilots; and

WHEREAS, in the state of North Dakota and other agricultural states there is a large reserve of privately licensed pilots and flying farmers, some of whom could qualify for a federal agricultural rating, if the rating were based on flying ability, flight hours and knowledge of agricultural chemicals, which would greatly relieve the present and future shortage of pilots qualified to engage in agricultural flying;

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 is hereby memorialized and respectfully petitioned to enact such legislation as may be necessary to create an agricultural pilot rating for aerial crop spraying and dusting activities in the United States.

BE IT FURTHER RESOLVED, That copies of this resolution, properly authenticated, be sent by the secretary of state to the civil aeronautics administration, Washington, D.C.; to the chairmen of the house and senate interstate and foreign commerce committees of the Congress of the United States; and to each member of the North Dakota congressional delegation.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTIONS

HOUSE CONCURRENT RESOLUTION "A" (Legislative Research Committee)

ORIENTATION PROGRAM FOR LEGISLATORS

A resolution directing and authorizing the legislative research committee, in cooperation with the North Dakota state bar association, to formulate and organize an orientation program for legislators.

WHEREAS, many legislators have expressed a desire to further acquaint themselves early in the legislative session with the legislative procedures and the rights and prerogatives of legislators, so that they might more adequately represent their constituents during their terms as members of the legislature, and

WHEREAS, twenty-eight other state legislatures have adopted introductory and orientation conferences, lectures, or seminars, conducted by veteran legislators as an aid to new legislators, and have since unanimously endorsed such programs as increasing the efficacy of the whole legislature as well as new members, and

WHEREAS, it has been the experience of those states adopting these programs that the assistance of the state bar association is of great value, and

WHEREAS, the North Dakota state bar association has expressed a willingness to aid and assist in an orientation conference for those legislators who may wish to participate;

NOW, THEREFORE, 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 authorized and directed to invite the North Dakota state bar association to assist them in organizing and formulating an introductory and orientation program to be conducted by veteran legislators covering the use of the North Dakota Code, and the rules, organization, and procedures of the North Dakota legislature, so that all legislators may fully avail themselves of all the services and facilities at their disposal and obtain necessary information as to their rights and prerogatives as members of the legislature.

Filed January 12, 1955.

HOUSE CONCURRENT RESOLUTION "B"
(Nygaard and Beede)

COMMENDING ORGANIZATIONS OF THE FOUNDATION FOR
INFANTILE PARALYSIS AND THE MARCH OF DIMES

A concurrent resolution commending county, state and national organizations of the foundation for infantile paralysis and the march of dimes campaign.

WHEREAS, the disease of infantile paralysis is one of the most costly of all diseases to treat because of the expensive equipment, the highly skilled techniques involved and the months or even years of treatment required, and

WHEREAS, many families are overwhelmed when this tragedy strikes and must depend on the assistance of the county, state, and national chapters of the foundation for infantile paralysis in treating those afflicted with this disease,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the legislature commend the county, state, and national chapters of the foundation for infantile paralysis for the generous assistance it has given to citizens of this state who are afflicted with this disease, and for the research carried on for the purpose of preventing the spread of this malady.

BE IT FURTHER RESOLVED, that the legislature commend all persons and individuals who are giving of their time and money to the current fund raising campaign commonly called the march of dimes, which will further the work of these organizations.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the national foundation for infantile paralysis and to its state director and county chairmen.

Filed January 20, 1955.

HOUSE CONCURRENT RESOLUTION B-2
(Ettestad, Anderson of Eddy-Foster, Sticka, Lindberg,)
(Kjos, Knudsen of LaMoure, Leet, Hammer, Bratcher,)
(Hegge, Snortland and Baker)

**ADDITIONAL EXPENSE ALLOWANCE FOR MEMBERS OF
THE LEGISLATIVE ASSEMBLY**

A concurrent resolution authorizing the payment of five dollars per day additional expense allowance to each member of the legislative assembly.

WHEREAS, the present per diem and expense allowance totaling fifteen dollars per day which is paid to each member of the Legislative Assembly is insufficient to pay the costs of living of the members of the Legislative Assembly while in Bismarck during the Legislative Session; and

WHEREAS, it is necessary for most members of the Legislative Assembly to incur additional expenses through hiring additional personnel to work in their businesses, farms or professions in their home districts during their absence while attending the Legislative Session; and

WHEREAS, it is in the public interest that the citizens of the state of North Dakota be able to serve as members of the Legislative Assembly without undue hardship and personal sacrifice;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the state auditor is hereby authorized and directed to issue warrants from the legislative expense appropriation in the sum of five dollars per day for each day of the Thirty-fourth Legislative Assembly, to each member of such assembly, as a special and additional expense allowance to compensate such members for their expenses in serving as members of the Legislative Assembly.

Filed March 14, 1955.

HOUSE CONCURRENT RESOLUTION "C"
(Rolfstrud, Rohde, Link, and Mollet)

FOUR BEARS MEMORIAL BRIDGE

A concurrent resolution urging that the new Sanish bridge be re-named the "Four Bears Memorial Bridge."

WHEREAS, a new bridge is being constructed over the Missouri River at Sanish, North Dakota, the need for which was brought about as a result of the construction of the Garrison Dam project, and

WHEREAS, the "Four Bears Memorial Bridge" formerly cross the Missouri River at Elbowoods, North Dakota, was torn down and the steel therein salvaged for use in the new bridge at Sanish, North Dakota, and

WHEREAS, the Water Busters Clan, of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, desire to have the name, "Four Bears Memorial Bridge", preserved and retained by so designating and naming the new bridge at Sanish, North Dakota;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the new bridge across the Missouri River at Sanish, North Dakota, be named and designated as the "Four Bears Memorial Bridge".

Filed February 1, 1955.

HOUSE CONCURRENT RESOLUTION D-2
(Hegge, Sticka, Baker, Hammer, Renfrow and Snortland)

ADDITIONAL EXPENSE ALLOWANCE FOR
LEGISLATIVE EMPLOYEES

A concurrent resolution authorizing the payment of two dollars per day additional expense allowance to each employee of the legislative assembly.

WHEREAS, the present allowance for the employees of the house of representatives and senate is not sufficient to pay for their high expense of living and to allow them a decent days wages above their living expenses, besides their expense of coming to Bismarck and returning home at the end of the Session;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That there is hereby appropriated the sum of \$2.00 as additional legislative expense to be used to pay all the employees of both the house of representatives and the senate the sum of two dollars per day to help cover their living expenses.

Filed March 14, 1955.

HOUSE CONCURRENT RESOLUTION "E"
(Roen, Langseth and Brown)

USE OF MEMORIAL HALL FOR LEGISLATIVE DANCES

A concurrent resolution allowing use of the Memorial Hall for legislative dances.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the employees of the house of representatives and the senate of the 34th 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 house of representatives of the state of North Dakota, the senate concurring therein, that the board of administration is hereby requested to give permission to the employees of the house of representatives and the senate for the use of said state owned property, furnishing proper police to maintain proper order and decorum; and

BE IT FURTHER RESOLVED, that the chief clerk of the house of representatives 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 24, 1955.

HOUSE CONCURRENT RESOLUTION E-1
(Fine, Hofstrand and Rohde)

REIMBURSEMENT FOR EXPENSES OF INDIAN JURISDICTION

A concurrent resolution urging Congress to reimburse the state of North Dakota and Benson County for expenses of law enforcement upon the Fort Totten Indian Reservation.

WHEREAS, the Congress of the United States on May 31, 1946 passed a law transferring criminal jurisdiction to the state of North Dakota over offenses committed by Indians on the Devils Lake Indian Reservation in Benson County, North Dakota; and

WHEREAS, by virtue of said law the officials of Benson County assumed jurisdiction over all offenses committed by Indians on said reservation, which reservation is under the exclusive control of the Congress of the United States; and

WHEREAS, the government of the United States, in the passing of said Act, failed to make adequate provisions for financial reimbursement of the political subdivisions directly affected; and

WHEREAS, the attorney general of the state of North Dakota, on the thirtieth day of September, 1954, ruled that the state of North Dakota and its political subdivisions could not assume jurisdiction under the previously mentioned 1946 congressional Act until the state of North Dakota had amended its Constitution as required by the enabling Act of this state; and

WHEREAS, as a result of the attorney general's opinion, the county officials of Benson County could no longer assume jurisdiction over offenses committed by Indians on the Fort Totten Indian Reservation; and

WHEREAS, the solicitor of the department of the interior ruled that the Indian bureau could not appoint either judges or peace officers to assume jurisdiction over Indians committing offenses on Fort Totten reservation on the grounds that the federal government had fully divested itself of jurisdiction by virtue of the aforementioned 1946 congressional Act; and

WHEREAS, the county officials have again assumed jurisdiction over offenses committed by Indians on the Fort Totten Reservation, by court order, in view of a pending appeal to the supreme court of the state of North Dakota on the issue of whether the state of North Dakota can assume jurisdiction under the aforementioned 1946 congressional Act, without amending its Constitution or the enactment of statutes authorizing the assumption of said jurisdiction; and

WHEREAS, the officials of Benson County, having expended great sums of money, will continue to expend great sums of money for the assumption of jurisdiction over offenses committed by Indians on the Fort Totten Reservation wherein said expenditures were and are rightfully on the responsibility of the federal government;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN: That the United States Congress is hereby urged and requested to appropriate adequate funds to reimburse the state of North Dakota and Benson County for expenditures for the assumption of jurisdiction over offenses committed by Indians on Fort Totten Indian Reservation, which functions have, historically, been the responsibility of the federal government.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION E-2
(Joint Committee on Employment)

COMPILATION OF RECORD OF LEGISLATIVE 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.

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 passed, indefinitely postponed or withdrawn 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, and Edward Leno, secretary of the senate, be employed to prepare such compilation immediately, and a copy of same be mailed as speedily as possible to each member of the house and senate at the home address thereof:

BE IT FURTHER RESOLVED, that the said Kenneth L. Morgan and Edward Leno be and are hereby respectfully retained on this work for the house and for the senate for a 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 same be charged and paid as legislative expense.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION "F"
(Brown and Fitch)

GENERAL ALFRED M. GRUENTHER

A concurrent resolution extending an invitation to General Alfred M. Gruenther to attend and address a joint session of the Thirty-fourth Legislative Assembly 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, the people of North Dakota are deeply concerned with the problems of world defense against the dangers of aggression by totalitarian governments of communistic ideologies; and

WHEREAS, no man is better qualified to give a first hand explanation of the needs, the difficulties and the hopes of such defense than General Alfred M. Gruenther, supreme commander of allied powers in Europe; and

WHEREAS, Norman Brunsdale, governor of the state of North Dakota, and Floyd Boutrous, executive chairman of the North Dakota crusade for freedom, have extended invitations to General Gruenther to visit North Dakota.

NOW, THEREFORE, BE IT RESOLVED by the house of representatives, the senate concurring therein, that General Alfred M. Gruenther be and is hereby invited to address a joint session of the house of representatives and senate to be held in the chamber of the house of representatives on Washington's birthday, February 22, 1955.

BE IT FURTHER RESOLVED, that the secretary of state be directed to forward a certified copy of this resolution to General Gruenther.

Filed January 21, 1955.

HOUSE CONCURRENT RESOLUTION F-2
(Joint Committee on Employment)

COMPLETION OF LEGISLATIVE 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, Melvin Forthun, Verline D. Just and Geraldine Smith, mailing clerks of the Thirty-fourth 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 Enola Eck and Stan Sharkey, proofreaders of the house and senate, respectively, be retained for four days after the close of the session to finish proofreading the journals of the house and senate for the last day of this Thirty-fourth Legislative Assembly; that George Lapica and Ronald Johnson, pages of the house, and Edna Mae Leno and James Klesalek, pages of the senate, be retained for three days after the close of 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 Ica M. Saxvik and Claudia McCulloch, postmistresses of the house and senate, respectively, be retained two days after the close of this session for the purpose of disposing of any mail coming in and after the close of session; and that Gerald Stair, assistant chief clerk, be retained for four days, after session, and that Mrs. P. J. Curtis, Mrs. Alice Knoll, Edwin C. Becker and Marjorie Daner, enrollers and engrossers of the senate and house, be retained for two days to complete their work; and that Ruth Smith and Vera M. Geng, desk reporters of the house and senate, be retained for three days to complete their work.

BE IT FURTHER RESOLVED, that each of the above named employees, to-wit: Miles Nelson be paid for said additional five days the sum of ten dollars per day and that Melvin Forthun, Verline D. Just and Geraldine Smith be paid for additional five days, the sum of eight dollars per day; that Enola Eck and Stan Sharkey, proofreaders of the house and senate, respectively, be paid the sum of nine dollars per day for four days; that George Lapica, Ronald Johnson, Edna Mae Leno and James Klesalek, as pages, be paid the sum of eight dollars per day for said additional three days; and that Ica M. Saxvik and Claudia McCulloch, postmistresses, be paid the sum of nine dollars per day for said additional two days; that Gerald

Stair, assistant chief clerk, be paid the sum of twelve dollars per day for said additional four days; that Mrs. P. J. Curtis, Mrs. Alice Knoll, Edwin C. Becker and Marjorie Daner, enrollers and engrossers, be paid the sum of eleven dollars per day for said additional two days; and that Ruth Smith and Vera M. Geng, desk reporters, be paid the sum of seventeen dollars per day for said 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 herein at the completion of said work.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION "G"
(Christopher, Einarson, Sommer)

RED RIVER VALLEY FLOOD CONTROL

A concurrent resolution urging Congress to take favorable action upon measures for flood control in the Red River Valley watershed area.

WHEREAS, the flooding of the Red River and its tributaries during the years 1943, 1948, and 1950 has caused untold millions of dollars of damage to property; and

WHEREAS, no effective means of controlling such floods have yet been developed because of lack of information and surveys of the watershed area of the Red River; and

WHEREAS, the development of suitable flood control projects will conserve the water of the Red River watershed area for beneficial use; and

WHEREAS, the United States army corps of engineers is including in its budget a request for sufficient funds to complete a survey of the Red River watershed area in order to develop plans for effective flood control;

NOW, THEREFORE, BE IT RESOLVED BY THE NORTH DAKOTA HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING THEREIN: That the United States Congress is hereby urged to give favorable consideration to the budget requests of the United States army corps of engineers for sufficient funds to complete the above survey of the Red River watershed area.

BE IT FURTHER RESOLVED that the United States Congress is also requested to provide such funds as may be necessary to implement such reasonable flood control plans as may be developed for the control of floods on the Red River and its tributaries.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION G-1
(Link, Baker, Beede and Nygaard)

COST OF MILITARY HIGHWAYS

A concurrent resolution memorializing Congress to authorize the payment of one hundred percent of the cost of acquisition of right-of-way, construction, and maintenance of military highways in North Dakota.

WHEREAS, Congress has made available an increased amount of federal aid for the construction of highways in North Dakota during the 1955-57 biennium; and

WHEREAS, it appears that North Dakota will have great difficulty in matching the federal aid available at the 1955-57 level; and

WHEREAS, the President of the United States is recommending to Congress a substantially increased federal aid program for the construction of highways, with special emphasis upon the construction of a military system of highways at very high standards; and

WHEREAS, it appears the state of North Dakota will be unable to match any increased federal aid funds for highway construction;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That Congress is hereby urged and requested to provide for the payment of one hundred percent of the cost of acquisition of right-of-way, construction, and maintenance of the military system of highways within the state of North Dakota, and that control of access on such right-of-way be under the jurisdiction of the state of North Dakota.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the chief clerk of the house of representatives to the President of the United States, the bureau of public roads, and the North Dakota congressional delegation.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION G-2
(Joint Committee on Employment)

COMPLETION OF LEGISLATIVE JOURNALS

A concurrent resolution providing for the completion of the legislative journals of the house and senate.

WHEREAS, after termination of the thirty-fourth legislative assembly a complete record with index of the senate and house journals must be prepared.

Now, Therefore, Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That Edward Leno, secretary of the senate, and Kenneth L. Morgan, chief clerk of the house, are hereby authorized, empowered and employed to compare and index the journals of the thirty-fourth legislative assembly, and the said Edward Leno, secretary of the senate, and Kenneth L. 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 Edward Leno and Kenneth L. Morgan, 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 Edward Leno and Kenneth L. Morgan showing completion of such work.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION "H"
(Employment Committee)

DESIGNATION AND SALARIES OF LEGISLATIVE EMPLOYEES
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-fourth Legislative Assembly of the State of North Dakota, the Senate Concurring Therein:

That for and during this Thirty-fourth 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 per diem set opposite their respective names:

HOUSE

Kenneth L. Morgan, chief clerk	\$15.00
Gerald Stair, assistant chief clerk	12.00
Ruth Smith, desk reporter	17.00
Oswald Kruisk, sergeant-at-arms	9.00
Hans Johnson, asst. sergeant-at-arms	8.00
Arthur A. Herk, bill clerk	11.00
Lester Vanvig, calendar clerk	11.00
Edwin C. Becker, Jr., enroll. and engr. clerk	11.00
Marjorie E. Daner, asst. enroll. and engr. clerk	11.00
Florence Nemer, secretary to speaker	11.00
Eleanor Vendt, chief stenographer	13.00
Beatrice S. Gass, stenographer	11.00
Myrtle R. Sloan, stenographer	11.00
Helen Youness, stenographer	11.00
Wilma Cook, legis. research com. steno.	11.00
Lawrence E. Watson, com. clerk	11.00
ElaNor Weber, appropriations com. steno.	11.00
Mrs. H. O. Saxvik, postmistress	9.00
Ruth McCormick, telephone clerk	8.00
Kenneth Johnson, page	8.00
Jeanne Dutt, page	8.00
Helen Thompson, page	8.00
Donald Fenne, page	8.00
Miles Nelson, head mailing clerk	10.00
John Sailer, mailing room clerk	8.00
Joe Eisele, doorkeeper	8.00
I. B. Rohrer, doorkeeper	8.00
Daniel R. Twichell, proofreader	9.00
Enola Eck, proofreader	9.00
Carter Pendergast, Jr., committee clerk	9.00
S. K. Hougsjaa, doorkeeper	8.00
George Lapica, floor clerk	8.00
Robert Simenson, floor clerk	8.00
Leo Leidholm, committee clerk	9.00
Earl D. Murray, committee clerk	9.00
Janice Hedman, committee clerk	9.00
Fred Wolff, mailing room clerk	8.00
Albert W. Cook, addressing machine clerk	8.00
E. T. Rohde, bill room clerk	8.00
Alfred G. Sundfor, mailing room clerk	8.00
Geo. F. Griffin, mailing room clerk	8.00
Iver Kval, mailing room clerk	8.00
E. O. Haugen, bill room clerk	8.00
Walter D. Sundquist, messenger to governor	8.00
Edward J. Loon, messenger to senate	8.00

Ronald Johnson, floor clerk	8.00
Chas. Wollitz, bill room clerk	8.00
Hans Okland, mail room clerk	8.00
Lloyd E. Moug, mail room clerk	8.00
Oscar G. Olson, mail room clerk	8.00
Fred G. Schlenker, mail room clerk	8.00
Metro Dolynik, doorkeeper	8.00
Geraldine Smith, mail room clerk	8.00
Helen Mann, committee clerk	9.00
Mrs. Joseph Fevold, committee clerk	9.00
George P. Braun, mailing room clerk	8.00
Harold Dockter, mailing room clerk	8.00
Mrs. Arthur Beaupre, committee clerk	9.00
A. W. Suckut, floor clerk	8.00
John L. Asplund, night watchman	8.00

SENATE

Edward Leno, secretary of the senate	15.00
V. L. Gilbreath, asst. sec'y of the senate	12.00
Mrs. Vera M. Geng, desk reporter	17.00
Harrison Miller, bill clerk	11.00
Ludger Kadlec, sergeant-at-arms	9.00
Joe Davis, asst. sergeant-at-arms	8.00
Mrs. C. E. Murry, sec'y to lt. governor	11.00
Mrs. P. J. Curtis, enroll. and engr. clerk and payroll clerk	13.00
Mrs. Anton A. Knoll, enroll. and engr. clerk	11.00
Lorraine Wahl, stenographer	11.00
Mrs. Wendelin Scherr, stenographer	11.00
Mary Austin, stenographer	11.00
Myrtle Steen, appropriations com. stenographer	11.00
Henry Lundene, proofreader	9.00
Stan Sharkey, proofreader	9.00
Claudia M. McCulloch, postmistress	9.00
Elmer M. Sundlie, chart room chief clerk	10.00
T. A. Crawford, chart room clerk	8.00
R. M. Lundberg, chart room clerk	8.00
Emery J. Cote, calendar clerk	11.00
Joe Coghlan, committee clerk	9.00
R. Paul Krenz, committee clerk	9.00
Ray Unzelman, mailing room clerk	8.00
T. B. Etland, mailing room clerk	8.00
Martin Kilwein, bill room clerk	8.00
Mrs. Victoria Stucke, bill room clerk	8.00
Lloyd Iverson, bill room clerk	8.00
George Hegland, mailing room clerk	8.00
Melvin Forthun, mailing room clerk	8.00
C. S. Wiley, committee clerk	9.00
Norin Korsmo, committee clerk	9.00
Harvey Knudson, Jr., committee clerk	9.00
O. J. Saunders, mailing room clerk	8.00

Christ Geier, mailing room clerk	8.00
J. H. Engh, committee clerk	9.00
Fred A. Shipman, messenger to governor	8.00
Gerald Vincent, messenger to house	8.00
Edna Mae Leno, page	8.00
Verline Deloris Just, page	8.00
James Klesalek, page	8.00
Darrell Sorenson, page	8.00
Nels Noben, doorkeeper	8.00
J. B. Fisher, doorkeeper	8.00
Jacob Albrecht, doorkeeper	8.00
Ed Richter, committee room attendant	8.00
John Lindeman, committee room attendant	8.00
Reuben L. Olson, committee clerk	9.00
E. Wilson Willoughby, cloak room attendant	8.00
J. R. Tangen, supply room clerk	10.00
John N. Feist, night watchman	8.00
Echo Hamilton, telephone attendant	8.00
Lloyd B. Omdahl, committee clerk	11.00

Filed January 25, 1955.

HOUSE CONCURRENT RESOLUTION H-1
(Fitch and Hegge)

AIR CONDITIONING AND VENTILATION OF
LEGISLATIVE CHAMBERS

A concurrent resolution authorizing and directing the board of administration to take necessary action to improve the air conditioning and ventilation of the legislative chambers.

WHEREAS, the legislative chambers in the capitol building are inadequately ventilated; and

WHEREAS, good ventilation as well as lighting is necessary for efficient working conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN: That the state board of administration is authorized and directed to take necessary action to improve the ventilation and ventilating system of the legislative chambers in the capitol building, including the installation of an air conditioning system if the budget board approves the cost.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION H-2
(Fine and Hofstrand)

COURTS FOR INDIAN OFFENSES

A concurrent resolution urging Congress and the bureau of Indian affairs to establish tribal courts or courts of Indian offenses for the Fort Totten Indian reservation.

WHEREAS, the Federal government has withdrawn from law enforcement activities upon the Fort Totten Indian reservation; and

WHEREAS, the supreme court of the state of North Dakota has ruled that this state has no jurisdiction over such Indian lands; and

WHEREAS, there is presently no provision for any law enforcement whatsoever upon the Fort Totten Indian reservation except for the ten major crimes;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the legislative assembly hereby urges and requests the Congress and the bureau of Indian affairs to provide for the establishment of tribal courts or courts of Indian offenses at Fort Totten Indian reservation in order to maintain law and order on such Indian lands; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the chief clerk of the house of representatives to the President of the United States, the bureau of Indian affairs and to each member of the North Dakota congressional delegation.

Filed March 14, 1955.

HOUSE CONCURRENT RESOLUTION "I"
(Beede and Nygaard)

USE OF MEMORIAL HALL BY BISMARCK ASSOCIATION
FOR THE HANDICAPPED

A concurrent resolution to permit the Bismarck association for the handicapped to use memorial hall for the sale of goods manufactured by handicapped persons.

WHEREAS, many handicapped persons are extremely proficient and artistic in handicraft of jewelry, leather goods, paintings, and other goods and wares, but are unable easily to gain a selling outlet for these handicrafts; and

WHEREAS, sale of such handicrafts not only promotes the spirit of well-being and independence of handicapped people, but materially promotes their self-support; and

WHEREAS, the Bismarck association for the handicapped is dedicated to aid, support, and promotion of the welfare of handicapped persons, which is a most praiseworthy aim, worthy of support; and

WHEREAS, the Bismarck association for the handicapped wishes to utilize the premises of memorial hall in the capitol building for handicapped persons to sell their handicrafts for two days during the month of February, 1955; and

WHEREAS, under the ruling of the board of administration, a concurrent resolution must be passed in order for outside agencies to obtain the use of said memorial hall;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the board of administration is hereby requested to give permission to the Bismarck association for the handicapped to utilize the premises of memorial hall in the capitol building for handicapped persons to sell their handicrafts on two selected days during the month of February, 1955.

BE IT FURTHER RESOLVED that the chief clerk of the house of representatives be requested to send one copy of this concurrent resolution to the secretary of the board of administration of the state of North Dakota.

Filed January 27, 1955.

HOUSE CONCURRENT RESOLUTION I-1
(Committee on Employment)

HOUSE AND SENATE CHIEF ENGINEER'S AND
ASSISTANT ENGINEER'S SALARIES

A concurrent resolution providing and designating house and senate chief engineer's and assistant engineer's salaries.

WHEREAS, that for and during this Thirty-fourth Legislative Assembly the board of administration was directed to designate two engineers for the house and senate chambers.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the chief engineer shall receive the sum of four hundred fifty dollars and the assistant engineer shall receive the sum of three hundred dollars for services during the session, and shall be made payable as follows: One-half of said sum payable at the end of the thirtieth day of the session and the remaining one-half thereof to be paid at the close of the legislative session. Said sum shall be paid out of the legislative per diem employees fund.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION I-2
(Stockman and Strand)

OLD AGE AND RETIREMENT INSURANCE SYSTEM POLICY

A concurrent resolution relating to old age and survivor's insurance system.

WHEREAS, recent amendments to the Federal Social Security Act have made it possible for public employees of the state of North Dakota and its political subdivisions to obtain coverage under such Federal social security system upon the passage of suitable enabling legislation by this state; and

WHEREAS, a bill of appropriation has been introduced to provide for an actuarial study of the North Dakota old age and survivor insurance system; and other bills have been introduced to raise the contribution rates of the North Dakota old age and survivor insurance system to the same rates as provided under the Federal Social Security Act; and further legislation will authorize a referendum of employees of the state of North Dakota to express their wishes as to coverage under the Federal social security system; such legislation will also authorize negotiation of a contract with the appropriate Federal social security agency for a North Dakota collection agent for public employee contributions as well as other details of administering such coverage.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That it is hereby declared to be the policy and opinion of this legislative assembly that:

1. The state of North Dakota cannot carry the financial burden of a dual system of old age and retirement insurance in view of:
 - a. The inadequate financial condition of the North Dakota old age and survivors' insurance system; and
 - b. The extra costs of a dual system;

2. That in order to insure the morale of our employees and in order to secure qualified and highly competent personnel we recommend continued study toward the objective of adequate insurance and retirement benefits for our public employees; however, at this time we feel that the state can only afford to achieve benefits comparable to the Federal social security program;
3. Enabling legislation is being provided by this legislative assembly whereby public employee systems may qualify for Federal social security coverage. In the event that the public employees elect, by referendum, coverage under the Federal social security system and the next legislative assembly concurs, then it must be kept in mind that the area of coverage under OASIS after institution of the Federal system will necessarily have to be limited and set out by the next legislative assembly, taking into consideration the financial condition of the state and the results of the actuarial study which we are authorizing at this time.

Filed March 14, 1955.

HOUSE CONCURRENT RESOLUTION "J"

(Erickson of Burke-Divide, Rohde, Dunlop, Erickson of)
(Bottineau, Brekke, Mahlmann, and Gumeringer)

**FULL ONE HUNDRED PERCENT PARITY FOR
PRODUCTS OF FAMILY TYPE FARMS**

A concurrent resolution memorializing Congress and the secretary of agriculture to provide full one hundred percent parity for products produced on family-type farms.

WHEREAS, the very existence of the farm home and the family-sized farm is endangered by continuing economic trends, with farm prices declining twenty-five percent since 1951, net farm income steadily falling, farm operating costs remaining at near record heights, and the nation's farm population declining 12.6 percent between 1950 and 1954, while national income continues upward; and

WHEREAS, the best interests and general welfare of the nation as a whole would suffer incalculable loss if the farm family home were to be replaced by large, commercial, manager-operated farms, because:

The farm home is such a large consumer of the nation's goods and services and upon its patronage depends the survival of so many villages and towns;

The traditional farm home has been one of the very foundations upon which this country has been built;

From the farm home have come, not only much of the raw material and food so necessary for all, but young citizens, reared in God-fearing families, trained by hard work to contribute their willing share to the tasks which lie ahead, and possessed of the character and fortitude which are so necessary if this nation is to endure and prosper;

The farm home is still a close-knit family unit, where the ideals of our democracy are respected, taught and preserved; and

WHEREAS, it is for the best interests and general welfare of the whole nation that those who toil on these family-sized farms to maintain their farm homes receive for their labors a fair return, comparable with industry, so that these farm homes may not be replaced by large, managerial-type, commercially operated farms;

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 and the United States secretary of agriculture are hereby requested and urged to provide price supports for the products of these family-type farms at higher levels than those which may be established for the large, commercially-operated farms; that, up to a fair and reasonable limit, the prices of products raised on such family-sized farms be supported at one hundred percent of parity.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the members of the North Dakota congressional delegation and the United States secretary of agriculture by the chief clerk of the North Dakota house of representatives.

Filed March 3, 1955.

HOUSE CONCURRENT RESOLUTION J-1
(Roen)

LITTLE MISSOURI RIVER WATER SUPPLY COMPACT

A concurrent resolution requesting Congress to authorize North Dakota, South Dakota, Montana and Wyoming to enter into a compact for an equitable division among the states of the water supply of the Little Missouri River.

WHEREAS, there is an urgent need for a compact among North Dakota, South Dakota, Montana and Wyoming for equit-

able apportionment of the waters of the Little Missouri River and its tributaries among those states to assure owners of lands lying near or adjacent to this river or its tributaries their equitable share of the waters thereof for stock watering, irrigation and domestic use; and

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, requested to authorize the states of North Dakota, South Dakota, Montana and Wyoming to negotiate a compact or agreement, upon such terms and conditions as Congress may deem fit and require, not later than January 1, 1959, for a division and equitable apportionment among the states for the water supply of the Little Missouri River and streams tributary thereto; and

BE IT FURTHER RESOLVED, that the secretary of state of the state of North Dakota be and is hereby directed to mail copies of this resolution to the President of the United States, to the senators and representatives from North Dakota in Congress and to the governors of the states of South Dakota, Montana and Wyoming.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION "L"
(Homelvig, Roen and Snow)

LEASE PREFERENCE ADJACENT FEDERAL LAND

A concurrent resolution urging the division of land management of the department of the interior to give adjacent landowners preference in leasing lands.

WHEREAS, the department of the interior presently holds title to large amounts of grazing land in western North Dakota, which lands are managed by the division of land management of the department of the interior; and

WHEREAS, privately owned lands are found in the midst of such federally owned land, which privately owned lands are often of too small a size to make economical farming or grazing units unless adjacent federally owned land can be leased to supplement such privately owned lands;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN: That the United States secretary of the

interior and the division of land management are hereby requested to adopt leasing policies whereby landowners owning private lands adjacent to, or within the same civil township as such federally owned lands, be given first preference in the leasing of such lands.

BE IT FURTHER RESOLVED, that the chief clerk of the North Dakota house of representatives is hereby directed to forward copies of this resolution to the United States secretary of the interior and to the North Dakota congressional delegation.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION M-1
(Hofstrand)

PROPERTY EVALUATION TRAINING

A concurrent resolution directing the agricultural college to investigate the feasibility of establishing a curriculum of property evaluation.

WHEREAS, no institution of higher learning in this area presently provides courses in property evaluation; and

WHEREAS, a program of land classification for assessment purposes has been carried on by the agricultural college with the cooperation of the legislative research committee, which program will be completed during the next biennium; and

WHEREAS, it is essential to a program for the improvement of the tax assessment methods and procedures of the state of North Dakota and its political subdivisions and to make the best and fullest use of the land classification data that facilities be established for the training of persons in the fundamentals and procedures of property evaluation; and

WHEREAS, certain universities and colleges maintain a full curriculum for the training of assessors and property evaluators;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN: That the North Dakota agricultural college is hereby authorized and directed, in cooperation with the legislative research committee, to study the curriculum of the universities and colleges maintaining such a program and to confer with commercial property evaluation firms for the purpose of determining the feasibility of the establishment of a curriculum in property evaluation at the agricultural college for the training of assessors and property evaluators.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION N-1

(Nygard, Sortland, Roen, Sticka, Scott,
 (Beede, Hofstrand, Strand, McLain and
 (Miller)

TRANSFER OF SOIL CONSERVATION ASSISTANCE
 TO THE STATES

A concurrent resolution memorializing the President of the United States and his commission on intergovernmental relations not to approve the reported recommendations of the committee on federal aid to agriculture relative to transfer of the function of soil conservation technical assistance to the various states.

WHEREAS, the committee on federal aid to agriculture, a subcommittee of the President's commission on intergovernmental relations, has reportedly recommended to the commission the transfer of the function of soil conservation technical assistance to the various states; and

WHEREAS, the national association of soil conservation districts, representing more than two thousand six hundred soil conservation districts in the United States, and the North Dakota association of soil conservation districts, representing seventy-nine soil conservation districts in this state, along with other individuals, groups, and organizations who are vitally interested in the program, are opposed to the reported recommendation; and

WHEREAS, if the reported recommendation is approved it would place an inordinately heavy financial burden upon the state of North Dakota, since the contemplated state appropriation each biennium could amount to a sum in excess of one million dollars if assistance to local soil conservation districts is to be maintained at current levels; and

WHEREAS, such program would greatly retard, if not eventually destroy, the national program of soil and water conservation now being carried on, and since the problem is national in scope, it should be dealt with accordingly;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the President of the United States and the President's commission on intergovernmental relations are hereby respectfully memorialized and urged not to approve the reported recommendations of the committee on federal aid to agriculture, relative to gradual transfer of soil conservation technical assistance functions from the national authority to the various states.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded forthwith to the President of the United States, to the chairman of the President's commission on intergovernmental relations, and to the senators and representatives of the state of North Dakota in the nation's capital.

Filed March 7, 1955.

HOUSE CONCURRENT RESOLUTION O-1
(Beede and Heimes)

MILL STORAGE INVESTIGATION EXPENSES

A concurrent resolution authorizing the payment of the expenses of a select committee appointed pursuant to house resolution No. 9 of the Thirty-third Legislative Assembly.

WHEREAS, the select committee appointed pursuant to house resolution No. 9 of the Thirty-third Legislative Assembly has made an investigation of the practice of mill storage in the state of North Dakota, and has made its report, which report is printed in the house journal of Wednesday, February 2, 1955; and

WHEREAS, the members of such committee have expended the sum of \$1,212.55 for the payment of counsel and accountants in the course of such investigation, and for personal out-of-pocket costs in relation thereto;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the chairman of such select committee shall be reimbursed for such actual out-of-pocket costs in the sum of \$1,212.55, and that payment thereof to the chairman is hereby authorized as legislative expenses of the Thirty-fourth Legislative Assembly.

Filed March 14, 1955.

HOUSE CONCURRENT RESOLUTION "Q"
(Committee on Transportation)

OPPOSING REPEAL OF LONG AND SHORT HAUL CLAUSE

A concurrent resolution opposing repeal of long and short haul clause of section four of the Interstate Commerce Act.

WHEREAS, there will be proposed and introduced in the Congress of the United States legislation providing for repeal

of the long and short haul clause of the fourth section of the Interstate Commerce Act; and

WHEREAS, the repeal of the long and short haul clause would permit railroad companies to assess lower rates and charges for long hauls than for shorter hauls over the same route in the same direction; and

WHEREAS, the charging of a higher rate for a short haul than for a longer haul, the shorter being included within the longer, is now forbidden on North Dakota intrastate traffic in section 49-0409 of the North Dakota Revised Code of 1943; and

WHEREAS, the passage of such legislation will result in increased freight rates and charges on articles moving in interstate commerce to and from North Dakota, particularly on grain, lignite, and other commodities, to the detriment of producers, shippers and consumers of the state of North Dakota; that it would encourage discriminations in rates against small shippers in favor of large shippers that would be against the public interest; and would, we believe, be in the end detrimental to the best interests of the railroads themselves.

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 is hereby respectfully memorialized and urged to deny the passage of any legislation providing for the repeal or amendment of the long and short haul clause of the fourth section of the Interstate Commerce Act, when, as, and if presented for its consideration.

BE IT FURTHER RESOLVED, That the senators and representatives of the state of North Dakota in the Congress of the United States be requested to put forth every honorable effort to defeat the aforesaid type of legislation upon presentation to the Congress of the United States, and that copies of this memorial be forwarded forthwith to the President of the United States, to the president of the senate, to the speaker of the house and of representatives of the Congress of the United States, and to the senators and representatives of the state of North Dakota.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION Q-1
(Rohde, Hofstrand, Fine)
(Thompson of McLean, Solberg, Mollet, Beede)

LEGISLATIVE RESEARCH COMMITTEE SUBCOMMITTEE ON
INDIAN AFFAIRS

A concurrent resolution relating to law enforcement problems upon Indian reservations.

WHEREAS, Public Law 280 has authorized the various states of the Union, including North Dakota, to assume criminal and civil jurisdiction in Indian country within their boundaries by appropriate resolutions or constitutional amendments; and

WHEREAS, no provision is now made whereby the federal government will reimburse states and local political subdivisions for the necessary expenditures upon the assumption of such jurisdiction over territory under the absolute control of the Congress of the United States; and

WHEREAS, the state of North Dakota is desirous of seeing that Indian people within its boundaries receive the same impartial protection of effective law enforcement as is enjoyed by non-Indian residents; and

WHEREAS, a recent investigation by the senate subcommittee on juvenile delinquency has disclosed and made public the deplorable lack of effective law enforcement in said Indian country as the same affects juveniles and adults, residents of said Indian country; and

WHEREAS, the solution of said problem and the improvement of the condition of said residents of said Indian country requires that adequate provisions be made for the reimbursement of state and political subdivisions before the assumption of said jurisdiction;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN: That the North Dakota delegation in Congress, working with the delegations of other states having Indian populations, is hereby urged and requested to provide a means whereby it will be feasible for the state of North Dakota to offer its facilities for the correction of the presently existing deplorable conditions.

That the legislative research committee is hereby authorized and directed to study such matters and to appoint a subcommittee to give detailed consideration to the financial aspects of such readjustment of historic responsibility and

such subcommittee is hereby authorized to confer with the executive and legislative branches of the Federal government in arriving at an equitable solution to such problems, and the legislative research committee is further directed, upon the completion of such study and said conferences, to publish its findings and recommendations, and to make its report to the Thirty-fifth Legislative Assembly in such form as it may deem expedient.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to each member of the North Dakota congressional delegation, to the secretary of the interior, and to all other persons interested in said matter.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION "S"
(Nygaard and Beede)

CONTINUATION OF NORTHWEST AIRLINES SERVICE
TO HONOLULU

A concurrent resolution memorializing the President of the United States to continue service of Northwest Airlines to Honolulu.

WHEREAS, the state of North Dakota has enjoyed a growing volume of trade and commerce with the Hawaiian Islands through the direct one carrier service of Northwest Airlines to Honolulu; and

WHEREAS, the elimination of said service will abruptly halt this development and adversely affect the economy of North Dakota and the upper midwest;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN: That the President of the United States be respectfully urged to reconsider his decision to discontinue such service in the light of the best interests of the people of the state of North Dakota.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the chief clerk of the house of representatives to the President of the United States and the North Dakota congressional delegation.

Filed February 8, 1955.

HOUSE CONCURRENT RESOLUTION "T"
(Nygaard, Baker, Beede)

POLICY FOR ESTABLISHING JOINT SCHOOL FOR BLIND

A concurrent resolution declaring the policy of the states of North Dakota and South Dakota relative to the education and training of the blind, and providing a procedure to be followed in the establishment of joint educational and training facilities.

WHEREAS, it is the sentiment of this Legislative Assembly that the best possible facilities for the education and training of the blind should be provided within the state's economic ability; and

WHEREAS, such facilities can be better attained by cooperation and joint use of a single institution;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY, THE SENATE CONCURRING THEREIN:

That the following principles and procedures are agreed to:

1. A committee of the North Dakota legislature and a committee of the South Dakota legislature shall each prepare a plan for the joint use and maintenance of facilities for the education and training of the blind to be submitted to the other state. Such plans for each state shall be two-fold, one based upon each state being the receiving state and one based upon each state being the sending state, as such terms are hereafter defined.
2. Each plan shall be submitted by February 14 or sooner if possible.
3. Each plan shall be prepared by a committee of legislators consisting of three senators and three representatives chosen in the manner in which the respective houses in the respective states shall determine.
4. Each plan shall be based on the following essentials:
 - a. The School for the Blind to be established, hereafter called the School, shall be constructed and managed by one state, hereafter called the receiving state. The other state shall be called the sending state.
 - b. The School shall be constructed and controlled in accordance with the Constitution and laws of the receiving state, but there shall be established a joint advisory commission consisting of representatives of the appropriate governing board for the school for

the blind of each state which shall be consulted relative to policy and which shall report to each regular session of the respective state legislatures.

- c. The receiving state agrees to pay for the entire cost of the construction of facilities adequate to provide for the education and training of not less than forty students from the sending state, provided that the receiving state may be required to provide for a number which exceeds the minimum by twenty-five, subject to adjustment every legislative year upon the recommendation of the advisory commission and approved by the respective state legislatures.
- d. The location of the School must be in a city of at least twenty thousand population, containing an institution of higher learning, with adequate transportation facilities, and acceptable to both states.
- e. The School shall maintain satisfactory instructional standards, meeting the requirements of elementary and secondary education prevailing in the respective states, and provide adequate and varied vocational training, to be evaluated by the joint advisory commission.
- f. The receiving state shall provide satisfactory facilities, adequate for a total of one hundred thirty students. Such facilities shall initially include at least twelve classrooms, one science laboratory, a gymnasium-auditorium, six practice music rooms, one music studio, four vocational rooms, library room, together with administrative, kitchen, and dining facilities, adequate heating and other utilities, and a boys' and a girls' dormitory. These facilities shall be available for use by September 1, 1956, and in no event later than January 1, 1957. Financial adjustments shall be made for any delays.
- g. The sending state agrees to pay the receiving state for each student sent, but in no event for less than forty students, an amount equal to the actual per capita maintenance and operational cost including all instructional, subsistence, administrative, repair, and debt service costs, plus full allowance for capital outlay based upon actual costs of capital outlay for construction and equipment of facilities by the receiving state, determined by amortizing capital outlay costs on the basis of fifty percent of such costs on a twenty-year basis, and a like amount on a sub-

sequent thirty-year basis. In no event, however, shall the total per capita cost paid by the sending state be in excess of two thousand five hundred dollars per year, except that this maximum may be adjusted by the legislatures of both states upon the recommendation of the advisory commission. The facilities shall at all times be owned by the receiving state.

- h. The agreement shall be drawn as a contract, effective for operational purposes from July 1, 1956 to June 30, 1972, and as long thereafter as may be agreeable to both parties to the contract. Each state will, by law, authorize and direct the appropriate governing body of the School for the Blind to make and enter into such contract upon terms and conditions hereafter agreed upon and approved and adopted by appropriate legislation, and will further designate such governing body as the representative of that state to the joint advisory commission. The contract may be terminated on June 30, 1982, or any time by appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state accompanied by a certified copy of the requisite legislative action. Such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing prior to the effective date of withdrawal.
5. The procedure contained in this resolution shall be effective and shall be followed upon the passage of like resolutions or laws by the legislatures of North Dakota and South Dakota.
6. If, after the preparation and submission of a plan or plans, it is the opinion of the drafting committees of both states that agreement can be reached, the two committees shall meet at a mutually agreeable place to prepare drafts of legislation to be introduced in the respective state legislatures.

BE IT FURTHER RESOLVED that copies of this concurrent resolution be forwarded to His Excellency, the Governor of North Dakota, His Excellency, the Governor of South Dakota, and the senate and the house of representatives of the state of South Dakota.

Filed February 12, 1955.

HOUSE CONCURRENT RESOLUTION "U"
(Lindberg and Hegge)

STATE COAT OF ARMS

A concurrent resolution authorizing and requesting the governor to appoint a committee to select a suitable emblem to serve as a coat of arms for the state of North Dakota.

WHEREAS, the state of North Dakota does not have an officially recognized coat of arms emblem; and

WHEREAS, such a distinctive emblem is proper and necessary for use by the North Dakota national guard and veterans' organizations during ceremonies or for official functions; and

WHEREAS, the official coat of arms should conform to the recognized rules of heraldry and depict appropriately significant state history;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the governor is hereby authorized and requested to appoint a committee consisting of not less than three nor more than five members, who shall be either officers of the national guard or members of a veterans' organization, for the purpose of selecting a suitable emblem depicting appropriately significant state history, to serve as the coat of arms of this state, and to be used and displayed by the North Dakota national guard and veterans' organizations during ceremonies or for official functions.

BE IT FURTHER RESOLVED that in making this selection the committee shall consult with the heraldic branch, research and development division of the office of the quartermaster general, United States department of the army, to insure that such emblem shall conform to the recognized rules of heraldry and shall not duplicate the emblems of other states or organizations.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION "V"
(Rohde, Dunlop, Wicks and Fine)

MANUFACTURING NEAR INDIAN RESERVATIONS

A concurrent resolution petitioning the Congress of the United States to enact legislation authorizing a study and investigation into the feasibility of establishing additional manufacturing enterprises adjacent to Indian reservations in this state.

WHEREAS, the establishment of a jewel bearing plant adjacent to the Turtle Mountain Indian Reservation has provided much needed job opportunities for Indians residing in the area and has brought into productivity a formerly unutilized labor force and has thereby been an aid to the general economy of the area and to the wealth of the nation; and

WHEREAS, the employment records of the jewel bearing plant located adjacent to the Turtle Mountain Indian Reservation show that absenteeism and turnover among Indian employees are lower than the national average for similar industries; and

WHEREAS, the locating of such enterprises adjacent to Indian reservations is a positive act of providing social and economic opportunities for rehabilitation of and self-help for Indians; and

WHEREAS, the establishment of such enterprises adjacent to Indian reservations has proved to be beneficial to the Indians residing on and near such reservations, to the state of North Dakota and to the United States;

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 is hereby memorialized and respectfully petitioned to enact proper legislation to provide for a thorough investigation and affirmative encouragement for such self-rehabilitating projects which will result in the elimination of dependency and the establishment of a substantial self-supporting status for Indian people,

BE IT FURTHER RESOLVED, that copies of this resolution, properly authenticated, be sent by the secretary of state to the President of the United States, the presiding officers of each of the houses of Congress of the United States, to the secretary of interior of the United States, the director of defense mobilization, and to each of the members of the North Dakota congressional delegation.

Filed March 3, 1955.

HOUSE CONCURRENT RESOLUTION V-1
(Brown, Wicks, Roen and Rolfsrud)

IMPORTATION OF NATURAL GAS

A concurrent resolution urging the Federal Power Commission to deny applications for the importation of foreign natural gas into the north central area while a surplus of gas exists in this area.

WHEREAS, applications are now pending before the Federal Power Commission for the importation of foreign natural gas into North Dakota and other states of the north central area of the United States; and

WHEREAS, the importation of natural gas from foreign sources will retard and handicap the development of the natural resources of North Dakota and the north central area; and

WHEREAS, it is in the interest of the prosperity and development of the state of North Dakota that the natural resources of this state be used in an efficient and useful manner without unfair competition from foreign sources;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That this legislative assembly expresses its continuing concern over the granting of any applications for the importation into North Dakota of supplies of natural gas from foreign sources until such time as existing supplies of such products within the state of North Dakota and the north central area of the United States are being fully, safely and adequately utilized as determined by the North Dakota public service commission; and that this legislative assembly hereby urges and requests the Federal Power Commission to allow such importations only when the above conditions are met.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the chief clerk of the house of representatives to the Federal Power Commission, and to each member of the North Dakota congressional delegation, and to the North Dakota public service commission.

Filed March 14, 1955.

HOUSE CONCURRENT RESOLUTION "W"
(Snow and Roen)

REVISION AND MODERNIZATION OF ESTRAY LAWS

A concurrent resolution directing the legislative research committee to revise and modernize the statutes of North Dakota governing the taking up and disposal of estray animals.

WHEREAS, the statutes of North Dakota governing the taking up and disposal of estray animals have not been substantially rewritten or revised since 1895 and during this period have grown obsolete and unworkable;

NOW, THEREFORE, 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 authorized and directed to study the estray laws of this and other states for the purpose of developing modern and workable laws relating to estray animals and to submit its report and recommendations, together with suitable bills to carry out such recommendations, to the thirty-fifth legislative assembly.

Filed March 9, 1955.

HOUSE CONCURRENT RESOLUTION W-1
(Committee on Appropriations)

STUDY OF LICENSING AND INSPECTION FUNCTIONS OF
PUBLIC SERVICE COMMISSION

A concurrent resolution directing the legislative research committee to study the licensing and inspection activities of the public service commission.

WHEREAS, numerous licensing and inspection functions other than in the field of general public utility regulation have been assigned to the public service commission; and

WHEREAS, a portion of these activities have by statute been placed in specific and separate divisions under the supervision of the public service commission; and

WHEREAS, it appears that economy and efficiency would result if these inspection and licensing activities were consolidated within one administrative unit of the public service commission;

NOW, THEREFORE, 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 authorized and directed to study the statutes governing the operation and administration of the licensing and inspection functions of the public service commission for the purpose of recommending methods of consolidation of such activities, and to make its recommendations and report to the Thirty-fifth Legislative Assembly in such form as it may deem expedient.

Filed March 14, 1955.

HOUSE CONCURRENT RESOLUTION "Y"
(Leet)

LEGISLATIVE CHAMBERS LIGHTING

A concurrent resolution authorizing and directing the board of administration to take necessary action to improve the lighting in the legislative chambers.

WHEREAS, it is desirable and necessary for the legislators to have proper lighting for working at their desks during the legislative session; and

WHEREAS, it has been observed that the lighting in the legislative chambers is not adequate;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN: That the board of administration is authorized and directed to take necessary action to improve the lighting in the legislative chambers and if possible to bring the light intensity at each legislator's desk to a minimum of twenty-five foot-candles intensity.

BE IT FURTHER RESOLVED, that appropriations to be made by the Thirty-fourth Legislative Assembly for the board of administration be adjusted, if necessary, to include any additional cost for such lighting improvement.

Filed March 3, 1955.

HOUSE CONCURRENT RESOLUTION Z-1
(Einarson, Anderson of Cass)
(Leet and Power)

EASING IMPORT RESTRICTIONS ON SELKIRK WHEAT

A concurrent resolution urging that import restrictions upon Selkirk wheat be eased.

WHEREAS, the farmers of the state of North Dakota suffered heavy damage during the 1954 crop season resulting from a heavy infestation of 15B rust upon hard spring wheat; and

WHEREAS, a hard spring wheat named "Selkirk" has been developed in Canada which is highly rust-resistant; and

WHEREAS, such Selkirk wheat is available for sale in Canada but can not be exported to the United States because of an embargo by the Canadian government; and

WHEREAS, if a sufficient supply of rust-resistant varieties of hard spring wheat is not obtained by the farmers of the state of North Dakota, extreme hardship may result during the 1955 crop season;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That this Legislative Assembly hereby urges and requests that all responsible officials of the United States government take all possible action to obtain the termination of the embargo imposed by the Canadian government on the export of Selkirk wheat, so that a reasonable amount of Selkirk wheat, of a purity test not less than 95%, can be made available to the farmers of the state of North Dakota for planting in the spring of 1955.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the secretary of state of the United States; the secretary of agriculture of the United States; and to all members of the North Dakota congressional delegation.

BE IT FURTHER RESOLVED that the control and purchase of such Selkirk wheat as may be obtained be handled by the North Dakota Experiment Station at the Agricultural College at Fargo, and distributed throughout the state by the county extension agents on a fair and equitable basis.

Filed March 9, 1955.

SENATE RESOLUTIONS

SENATE RESOLUTION No. 1 (Streibel)

LAWS FOR SENATE COMMITTEE USE

A resolution providing copies of the 1953 Session Laws of North Dakota and the 1953 Supplement to the North Dakota Revised Code of 1943, for the use of the various committees of the Senate.

Be It Resolved by the Senate of the State of North Dakota:

WHEREAS, in the various committee meetings it is often necessary to refer to the 1953 Session Laws of North Dakota and to the 1953 Supplement to the North Dakota Revised Code of 1943, and for that reason copies should be available for such use;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That the secretary of state be authorized and directed to furnish twelve copies of the 1953 Session Laws of North Dakota and twelve copies of the 1953 Supplement to the North Dakota Revised Code of 1943, to be distributed to the various committee rooms of the Senate, each volume to be stamped or labeled "Property of the State of North Dakota", and under the custody of the various committee chairmen using the 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 secretary of the Senate be delivered to the secretary of state as his authority for furnishing same.

Filed January 18, 1955.

SENATE RESOLUTION No. 2
(Baeverstad, Solberg)

SENATE CHAPLAIN SERVICE

A resolution relating to chaplain service.

Be It Resolved by the Senate of the Thirty-fourth Legislative Assembly of the State of North Dakota:

The schedule of chaplaincy for the senate of the thirty-fourth legislative assembly as set forth in the journal of the senate on page 16 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 January 20, 1955.

SENATE RESOLUTION No. 4
(Thomas, Hagen, Hernet)

SENATE OFFICIAL PHOTOGRAPHER

A Senate resolution to appoint an official photographer for the Senate of the Thirty-fourth 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, Campbell's Studio of Bismarck, North Dakota offers to make a composite group picture of the thirty-fourth 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 sixty-five dollars.

NOW THEREFORE, BE IT RESOLVED, that Campbell's Studio, Bismarck, North Dakota, be, and is hereby appointed official photographer for the North Dakota Senate of the Thirty-fourth Legislative Assembly.

BE IT FURTHER RESOLVED, that the Campbell's Studio of Bismarck, North Dakota, be and is hereby awarded the sole privilege of photographing members of the Senate of the Thirty-fourth Legislative Assembly, at a cost price of three hundred sixty-five dollars, to be taken out of legislative expenses.

Filed February 7, 1955.

**SENATE RESOLUTION No. 5
(Livingston, Leier, Dolan)**

GRAIN BELT RUN SAMPLING

A resolution requesting procedures by the Commodity Credit Corporation when belt run sampling is had on grain for terminal storage.

WHEREAS, flax is one of the most important cash crops in this state; and

WHEREAS, the Commodity Credit Corporation apparently may arbitrarily determine to have federal inspection based on a belt run sample of grain for terminal delivery, resulting often in a much greater percentage of dockage than was evident at the country elevator by usual tests, resulting in a loss to the country buyer;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That when such belt run sampling is had by the Commodity Credit Corporation and there appears to be substantial disagreement with the country elevator test, the Commodity Credit Corporation be requested to advise the shipper, and hold such grain shipment, pending negotiations with the shipper for tests to be made by other accepted trade methods.

BE IT FURTHER RESOLVED that copies of this resolution, properly authenticated, be transmitted by the secretary of state to the secretary of agriculture, the head of the Commodity Credit Corporation and to the members of the North Dakota delegation in Congress.

Filed February 11, 1955.

SENATE RESOLUTION No. 6

(Baeverstad, Berube, Bilden, Bridston, Davis, Day, Dewing,
(Dolan, Duffy, Ferry, Fraser, Hernet, Johnson of Cavalier,
(Kieley, Knudson, Krenz, Leier, Livingston, O'Brien, Olson,
(Page, Nelson, Solberg, Streibel, Torno, Tuff and Wadeson)

ADDITION OF U. S. HIGHWAY TWO TO NATIONAL
INTERSTATE HIGHWAY SYSTEM

A Senate resolution to the Honorable Dwight D. Eisenhower, President of the United States; to the Congress of the United States; to the Honorable Sinclair Weeks, secretary of the department of commerce; to the Honorable Charles E. Wilson, secretary of defense; to the Honorable C. D. Curtiss, chief of administration for the bureau of public roads; to the Honorable Milton R. Young and the Honorable William Langer, United States senators from the state of North Dakota; to the Honorable Otto Krueger and the Honorable Usher L. Burdick, congressmen from the state of North Dakota; requesting a reallocation and increased strategic mileage in the Federal Aid Highway Act of 1944 to add United States Highway Two to the national interstate highway system.

WHEREAS, the Federal Aid Highway Act of 1944, which Act amended the Federal Road Act, approved July 11, 1916, as amended and supplemented, provided that "There shall be designated in the Continental United States a national system of interstate highways not exceeding forty thousand miles in extent, so located as to connect by routes as direct as practicable the principal metropolitan areas, cities and industrial centers, to serve the national defense and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico", and

WHEREAS, the Act further provided that "The routes of the National System of Interstate Highways shall be selected by joint action of the highway departments of the several states and the adjoining states", and in another provision required approval by the Federal Works Administrator, and

WHEREAS, Phillip B. Fleming, Major General, United States Army, administrator of the federal works agencies, caused to be entered a certificate of approval of the national system of interstate highways, dated the second day of August, 1947, which adopted a national system of interstate highways, selected by the joint action of the state highway departments of each state and adjoining states, and

WHEREAS, the national system of interstate highways selected, modified and revised, as aforesaid, is comprised of routes totaling approximately thirty seven thousand eight hundred miles in extent, and

WHEREAS, there is a balance of two thousand two hundred

miles within the forty thousand mile limit provided for in the Federal Aid Act of 1944 which can be placed on the interstate system, and

WHEREAS, United States Highway Two is the shortest route through arterial highway link between Sault Ste. Marie, Michigan and Seattle, Washington, and runs parallel to the northern border of the United States and intercepts all highway communications with Canada in the state of North Dakota as well as the several other boundary states, and

WHEREAS, said United States Highway Two plays an ever increasing integral and necessary role in the tremendous development of the country's natural resources, namely, oil, coal, gas, iron ore, nuclear and other minerals, as well as the vast timber industry, and in the vast development of power being generated by the dams constructed and being constructed in the northwest, and in the expanding industrial development potential in the several states and in Canada, notably in the provinces of Manitoba and Alberta, all of which demands a revision and an increase in our vital defense needs, and

WHEREAS, the said United States Highway Two, which can without any difficulty be linked from east coast to west coast through the states of New York, Vermont, New Hampshire and Maine, and connected with Canada's Highway Nine from New York to Montreal and Highway Seventeen from Montreal to Sault Ste. Marie, which are of importance in Dominion of Canada, is the only connection between our air defense bases, the number of which and the personnel involved are known only to Congress, and department of defense officials, along the entire northern defense perimeter of the continental United States, and

WHEREAS, under the hourly maximum traffic classifications, the interstate designation of the United States Highway Two to be determined by the bureau of public roads, can be the classification of interstate rural, under the specification for the interstate system set out by the bureau, this could call for a two-lane highway with a one hundred foot right of way, and

WHEREAS, the total mileage involved in this petition is approximately two thousand one hundred seventy-eight miles in length and connects at points in seven states from the city of Sault Ste. Marie, Michigan, to the city of Everett, Washington, and

WHEREAS, while this is a petition from the state of North Dakota, it is contemplated the joining by the several other states with similar petitions, action having already been started in the states of Montana, Idaho and Washington, this is especially true in view of the gigantic growth and expan-

sion of the areas served by, contiguous to and adjacent to United States Highway Two because such areas, at their accelerated progress, resulting from a shift of population and industry to the northwestern states, and increasing industrial expansion in all areas, demand a revision of the transportation needs, and

WHEREAS, this request that the designation of the United States Highway Two be placed on the national system of interstate highways is made without prejudice to existing interstate highways in the state of North Dakota and in the other states served by the United States Highway Two;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA: That the Senate does hereby, most earnestly and respectfully, request that the congress of the United States recognize the strategic importance of United States Highway Two, and through the proper federal agencies take immediate action to have United States Highway Two designated an integral part of the national system of defense highways, and that it be placed on the national system of interstate highways.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted by the Honorable Norman Brunsdale, governor of the state of North Dakota, and by the Honorable Ben Meier, secretary of state of North Dakota, to the Honorable Dwight D. Eisenhower, President of the United States; to the congress of the United States; to the Honorable Sinclair Weeks, secretary of the department of commerce; to the Honorable Charles E. Wilson, secretary of defense; to the Honorable C. D. Curtiss, chief of administration for the bureau of public roads; to the Honorable Milton R. Young and the Honorable William Langer, United States senators from North Dakota; and to the Honorable Otto Krueger and the Honorable Usher L. Burdick, congressmen from North Dakota.

Filed February 21, 1955.

SENATE RESOLUTION E-1
(O'Brien)

SPECIAL SENATORIAL ELECTION; POSSESSION AND
SAFEKEEPING OF BALLOTS

A resolution to obtain possession of and to provide safekeeping for the ballots and official records of the special election for state senator held February 21, 1955.

Be It Resolved by the Senate of the State of North Dakota:

WHEREAS, an election contest has been commenced relative to the special election for state senator of the 46th senatorial district of the state of North Dakota, February 21, 1955, wherein the notice of contest proposes that the ballots and official records of the said election shall be produced on subpoena and the ballots be recounted before a notary public, and

WHEREAS, the supreme court of this state in a case involving a similar contest held that each house of the legislative assembly is the sole judge of any election contest of the election of its own members, and

WHEREAS, the pleadings in said election contest makes several very serious charges that should be brought before the attention of the senate at the earliest possible moment for final determination;

NOW THEREFORE, BE IT RESOLVED, that the sergeant-at-arms of the senate is hereby directed and empowered, with such assistance as he may require, to immediately take possession of all ballots and official records relating solely to the said special election from the county judge and county auditor of McLean County, and to invite and request the said county officials to accompany him and the said ballots and records, as official witnesses, to the office of the secretary of state at Bismarck, where he shall, without opening or unsealing the said ballots, and in the presence of the secretary of the senate and the secretary of state, safely enclose the ballots and such records in suitable containers, seal and deliver them into the custody of the secretary of state to await the further order of the senate.

Filed March 7, 1955.

SENATE RESOLUTION No. 7
(O'Brien)

SPECIAL SENATORIAL ELECTION; RECOUNT COMMITTEE

A resolution relating to the contest of Dave M. Robinson of the election of Walter R. Fiedler as Senator from the 46th Senatorial District.

WHEREAS, the ballots and official election records and returns formerly in the possession of the county judge and county auditor of McLean County have been obtained by the sergeant-at-arms who sealed them in the presence of the secretary of state, the secretary of the senate, the said county judge and county auditor where they now remain in the vault of the secretary of state awaiting the further order of the senate; and

WHEREAS, it is desirable that a recount of the said ballots and an examination of the said official records be held as soon as possible and that a committee of this body be appointed for this purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA: That a committee of five be appointed by the senate, selected on motion from the floor, to conduct a recount of the said ballots and an examination of the said official records including the poll books, and that for this purpose they obtain possession of the sealed containers containing the said ballots and records from the secretary of state, open such containers in the presence of the secretary of state, the secretary of the senate and counsel representing the contestant and contestee respectively and proceed to count the ballots and examine the said official records.

BE IT FURTHER RESOLVED that in addition to the chairman, two of the members of the committee act as judges and two as clerks and exercise a function similar to such officials acting as an election board.

BE IT FURTHER RESOLVED that, after they have completed the said recount of the ballots and examination of the official records pertaining thereto, they report the facts as they find them forthwith to the senate for further appropriate action.

Filed March 9, 1955.

SENATE RESOLUTION No. 8
(Day and Streibel)

SALES TAX ACT; INTENT ON PASSAGE

A resolution clarifying the intentions of the Coalition Faction of the Senate with respect to House Bill 811 as amended by the House.

WHEREAS, the house of representatives has adjourned sine die without permitting a report from the conference committee on adopting House Bill 811, the Sales Tax Act it being still under consideration in conference committee, completely disregarding the possible consequences;

WHEREAS, the senate is faced with two alternatives;

1. To enact the sales tax law as amended by the house containing amendments completely objectionable as far as the distribution of funds are concerned as expressed by the people at the last general election or;
2. Adjourning as the house of representatives did without regard to the possible consequences of permitting the sales tax law to expire July 1, 1955.

WHEREAS, loss of sales tax funds would wreck the common schools of the state of North Dakota and destroy the funds needed for the aged and crippled children and the needy blind and dependent children and;

WHEREAS, the senate has safeguarded the dissipation of such funds between now and the next session of the legislature by refusing to permit any improper appropriations therefrom and;

WHEREAS, the coalition group in the senate has agreed to cause to be submitted to the people an initiated measure setting forth a proper sales tax act which may be voted upon prior to the 1957 session of the legislature thus reestablishing the fundamental principles of preserving sales tax funds for equalization and welfare purposes only.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA that the fundamental principle of dedication of sales tax funds for equalization and welfare purposes only be reaffirmed at the same time that the senate adopt House Bill 811 under the circumstances herewith set forth.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the governor of this state and to the secretary of state.

Filed March 14, 1955.

HOUSE RESOLUTIONS

HOUSE RESOLUTION No. 1 (Leet)

LAWS FOR HOUSE COMMITTEE USE

A resolution providing copies of the 1953 Supplement to the North Dakota Revised Code of 1943 and of the 1953 session laws 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;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That the secretary of state be authorized and directed to furnish seventeen copies of the 1953 Supplement to the North Dakota Revised Code of 1943 and seventeen copies of the 1953 session laws to be distributed to the various committee rooms of the house of representatives, each volume to be stamped or labeled "Property of the state of North Dakota", and under the custody of the various committee chairmen using the 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 11, 1955.

HOUSE RESOLUTION No. 2
(Beede, Nygaard, Hofstrand, Louis Leet)

**AGRICULTURAL COLLEGE ADMINISTRATION;
PUBLIC HEARINGS**

A resolution requesting the state board of higher education to conduct open and public hearings upon all matters relating to the controversy over academic freedom and tenure at the agricultural college.

WHEREAS, charges have been made that the administration of the agricultural college has interfered with academic freedom and has disregarded the rights of tenure of faculty members; and

WHEREAS, as a result of private hearings conducted by a counsel of the state board of higher education a statement has been issued by such board vindicating the administration of the college and asking for the resignation of four professors now employed at the college; and

WHEREAS, this action on the part of such board is reported to be based upon testimony offered at such private hearing by persons who were expressly assured that their testimony would not be made public; and

WHEREAS, the citizens and taxpayers of the state of North Dakota and the North Dakota house of representatives who are vitally interested in the welfare of the North Dakota agricultural college are uninformed of the facts involved in such controversy and particularly the facts warranting the requested resignations of the four professors of the college; and

WHEREAS, it is felt that such facts could be properly presented at an open hearing at which time information in support of the board's action could be revealed and the professors requested to resign might be fully apprised of the charges made against them and be given the opportunity to answer such charges;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA: That the board of higher education is hereby urged and requested to conduct full and complete open public hearings upon all matters relating to such controversy.

Filed January 18, 1955.

HOUSE RESOLUTION No. 3
(Thompson of Burleigh, Scott and Erickson of Burke-Divide)

HOUSE OFFICIAL PHOTOGRAPHER

A resolution to appoint an official photographer for the House of Representatives of the Thirty-fourth 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, Mason Owens Studio of Bismarck, North Dakota, offers to make a large composite group picture of the members of the house of representatives of the Thirty-fourth Legislative Assembly, size forty-nine inches by thirty-eight and one-half inches, composite 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 five hundred seventy-five dollars.

NOW THEREFORE, BE IT RESOLVED: That Mason Owens Studio, Bismarck, North Dakota, be, and is hereby appointed official photographer for the North Dakota house of representatives of the Thirty-fourth Legislative Assembly.

BE IT FURTHER RESOLVED: That the Mason Owens Studio of Bismarck, North Dakota, be and is hereby awarded the sole privilege of photographing members of the house of the Thirty-fourth Legislative Assembly, at a cost price of five hundred and seventy-five dollars, to be taken out of legislative expenses.

Filed January 20, 1955.

HOUSE RESOLUTION No. 4
(Wicks, Fristad and Rohde)

PENITENTIARY INVESTIGATION

A house resolution recommending an investigation of the conditions of the North Dakota state penitentiary.

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, recent events have occurred which tend to discredit the administration of affairs at the North Dakota state penitentiary, and

WHEREAS, charges have been made, which were carried in the daily press, charging laxity, incompetence and improper administration of the affairs of the said North Dakota state penitentiary; and

WHEREAS, the welfare of the inmates of such institution is of vital concern to every citizen of the state of North Dakota, and if such charges which have been made are true, steps should be taken by this legislative assembly to correct such evils as might exist;

Now, THEREFORE, in order that the members of this house may be apprised of the true facts regarding the situation at the North Dakota state penitentiary at Bismarck, so that evils which may in fact exist can be corrected,

BE IT THEREFORE RESOLVED that a committee of five members of this house be appointed by the speaker to inquire into and investigate the facts and conditions surrounding the administration of the affairs at the North Dakota state penitentiary at Bismarck, North Dakota, and that such committee be instructed to report back to this house its findings and its recommendations as to what action, if any, should be taken in the matter, and what, if any, future legislation should be enacted affecting the said institution.

Filed January 28, 1955.

HOUSE RESOLUTION No. 6
(Wambheim)

HOUSE CHAPLAIN SERVICE

A house resolution relating to chaplain service.

Be It Resolved by the House of Representatives of the State of North Dakota:

The schedule of chaplaincy for the house of representatives of the thirty-fourth legislative assembly as set forth in the journal of the house of representatives on pages 17 and 18, as amended, is agreed to and the employment of chaplains in accordance with such schedule at six dollars per diem, is hereby authorized.

Filed February 10, 1955.

HOUSE RESOLUTION No. 8
(Brown)

INVESTIGATION OF GAS TAX REFUND SYSTEM

A resolution directing and authorizing the speaker of the house of representatives to appoint a five man committee to investigate the gas refund system in the state auditor's office.

WHEREAS, there has been much speculation as to the efficient administration of the gas tax refund system, charges and counter charges as to the veracity of refund applications; and

So that this body may have a firsthand report of the above mentioned intimation; and

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That the speaker appoint a committee of five to make an investigation of said gas tax refund system and its administration.

Filed February 14, 1955.

HOUSE RESOLUTION No. 9

(Adamsen, Baker, Balerud, Benson, Berntson, Bjella, Bye, Currie,
(Dahlund, Dewey, Engen, Esterby, Ettestad, Fine, Gagnum, Haugland,
(Heller, Hofstrand, Isakson, Kjos, Lee, Leet, Lynch, McLain,
(Miller, Mollet, Overbo, Poling, Power, Renfrow, Rohde, Saugstad,
(Saumur, Tollefson, Trydahl, Vinje)

ADDITION OF U. S. HIGHWAY TWO TO NATIONAL
INTERSTATE HIGHWAY SYSTEM

A resolution to the Honorable Dwight D. Eisenhower, President of the United States; to the Congress of the United States; to the Honorable Sinclair Weeks, secretary of the department of commerce; to the Honorable Charles E. Wilson, secretary of defense; to the Honorable C. D. Curtiss, chief of administration for the bureau of public roads; to the Honorable Milton R. Young and the Honorable William Langer, United States Senators from the state of North Dakota; to the Honorable Otto Krueger and the Honorable Usher L. Burdick, Congressmen from the state of North Dakota; requesting a re-allocation and increased strategic mileage in the Federal Aid Highway Act of 1944 to add United States Highway Two to the national interstate highway system.

WHEREAS, the Federal Aid Highway Act of 1944, which Act amended the Federal Road Act approved July 11, 1916, as amended and supplemented, provided that "There shall be designated in the Continental United States a national system

of interstate highways not exceeding forty thousand miles in extent, so located as to connect by routes as direct as practicable the principal metropolitan areas, cities and industrial centers, to serve the national defense and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico"; and

WHEREAS, the Act further provided that "The routes of the national system of interstate highways shall be selected by joint action of the highway departments of the several states and the adjoining states", and in another provision required approval by the federal works administrator; and

WHEREAS, Phillip B. Fleming, Major General, United States Army, administrator of the federal works agencies, caused to be entered a certificate of approval of the national system of interstate highways, dated the second day of August, 1947, which adopted a national system of interstate highways, selected by the joint action of the state highway departments of each state and adjoining states; and

WHEREAS, the national system of interstate highways selected, modified, and revised, as aforesaid, is comprised of routes totaling approximately thirty-seven thousand eight hundred miles in extent; and

WHEREAS, there is a balance of two thousand two hundred miles within the forty thousand mile limit provided for in the Federal Aid Act of 1944 which can be placed on the interstate system; and

WHEREAS, United States Highway Two is the shortest route through arterial highway link between Sault Ste. Marie, Michigan and Seattle, Washington, and runs parallel to the northern border of the United States and intercepts all highway communications with Canada in the state of North Dakota as well as the several other boundary states; and

WHEREAS, said United States Highway Two plays an ever increasing integral and necessary role in the tremendous development of the country's natural resources, namely, oil, coal, gas, iron ore, nuclear and other minerals, as well as the vast timber industry, and in the vast development of power being generated by the dams constructed and being constructed in the northwest, and in the expanding industrial development potential in the several states and in Canada, notably in the Provinces of Manitoba and Alberta, all of which demands a revision and an increase in our vital defense needs; and

WHEREAS, the said United States Highway Two, which can without any difficulty be linked from east coast to west coast through the states of New York, Vermont, New Hampshire and

Maine, and connected with Canada's Highway Nine from New York to Montreal and Highway Seventeen from Montreal to Sault Ste. Marie, which are of importance in the Dominion of Canada, is the only connection between our air defense bases, the number of which and the personnel involved are known only to Congress, and department of defense officials, along the entire northern defense perimeter of the continental United States; and

WHEREAS, under the hourly maximum traffic classifications, the interstate designation of the United States Highway Two to be determined by the bureau of public roads, can be the classification of interstate rural, under the specification for the interstate system set out by the bureau, this could call for a two-lane highway with a one hundred foot right of way; and

WHEREAS, the total mileage involved in this petition is approximately two thousand one hundred seventy-eight miles in length and connects at points in seven states from the city of Sault Ste. Marie, Michigan, to the city of Everett, Washington; and

WHEREAS, while this is a petition from the state of North Dakota, it is contemplated the joining by the several other states with similar petitions, action having already been started in the states of Montana, Idaho and Washington, this is especially true in view of the gigantic growth and expansion of the areas served by, contiguous to and adjacent to United States Highway Two because such areas, at their accelerated progress, resulting from a shift of population and industry to the northwestern states, and increasing industrial expansion in all areas, demand a revision of the transportation needs; and

WHEREAS, this request that the designation of the United States Highway Two be placed on the national system of interstate highways is made without prejudice to existing interstate highways in the state of North Dakota and in the other states served by the United States Highway Two;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That the house of representatives of the state of North Dakota does hereby, most earnestly and respectfully, request that the Congress of the United States recognize the strategic importance of United States Highway Two, and through the proper federal agencies, take immediate action to have United States Highway Two designated an integral part of the national system of defense highways, and that it be placed on the national system of interstate highways.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Honorable Norman Brunsdale, governor of the state of North Dakota; and by the Honorable Ben Meier, secretary of state of North Dakota; to the Honorable Dwight D. Eisenhower, president of the United States; to the Congress of the United States; to the Honorable Sinclair Weeks, secretary of the department of commerce; to the Honorable Charles E. Wilson, secretary of defense; to the Honorable C. D. Curtiss, chief of administration for the bureau of public roads; to the Honorable Milton R. Young and the Honorable William Langer, United States Senators from North Dakota; to the Honorable Otto Krueger and the Honorable Usher L. Burdick, Congressmen from North Dakota.

Filed February 23, 1955.

HOUSE RESOLUTION No. 10
(Committee on Industry and Business)

LEGISLATIVE RESEARCH COMMITTEE STUDY OF
MILL STORAGE

A resolution commending the Select Committee appointed by the Thirty-third Legislative Session of the House of Representatives, and directing the Legislative Research Committee to study the laws of North Dakota relating to mill storage of grain, and to confer with surrounding states on the problems of mill storage.

WHEREAS, the 1953 session of the house of representatives deemed it advisable to appoint an interim committee to investigate the practices of mill storage grain and to report their findings to the thirty-fourth session of said house of representatives; and

WHEREAS, the said committee, at great sacrifice of their time and convenience, have made exhaustive and minute study of said charged practices, the result of which have revealed flagrant violations and misuse of mill storage grain.

NOW, THEREFORE, BE IT RESOLVED that the thirty-fourth session of the house of representatives, directs that a copy of the select committee's report be forwarded to the chairman of the Interstate Commerce Commission, to the speaker of the house of representatives of the United States Congress, to the Vice President of the United States, as presiding officer of the United States senate, to the secretary of agriculture of the United States, to each member of the North Dakota congressional delegation, to the attorney general of the United States, to the governor of North Dakota and to the public service commission of North Dakota, and that a copy of this resolution accompany each report as directed above.

WHEREAS, such select committee found that the practice of mill storage of grain was widespread throughout North Dakota, and that such practice depresses the market of small grains grown in North Dakota, South Dakota, Minnesota, and Montana;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that the legislative research committee is hereby authorized and directed to study the laws of the state of North Dakota relating to mill storage practices, and to recommend improvements in such laws and the enforcement thereof.

BE IT FURTHER RESOLVED, that the legislative research committee confer with similar bodies in the state of Montana, South Dakota, and Minnesota for the purpose of developing sound laws to prevent the practice of mill storage, thereby improving the market price of durum, hard spring wheat, flax and other small grains grown in this area, and that the legislative research committee make its report and recommendations to the Thirty-fifth Legislative Assembly in such form as it may deem expedient.

BE IT FURTHER RESOLVED, that this house of representatives, as a body, commend the efforts of Representatives Snortland, Erickson of Burke-Divide and Rolfsrud; members of said select committee.

Filed March 3, 1955.

HOUSE RESOLUTION No. 11
(Einarson and Leet)

POSTED NOTICES OF VEHICLE SIZE AND WEIGHT LIMITS

A resolution directing the state highway department to post notices of weight, width, height, and length limitations on motor vehicles.

WHEREAS, the motor vehicle laws of states surrounding North Dakota differ from the laws of the state of North Dakota in some respects in relation to weight, width, height, and length limitations; and

WHEREAS, it is desirable to give due notice of North Dakota laws pertaining to weight, width, height, and length of vehicles to the operators thereof when they enter this state;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA: That the state highway commissioner is hereby directed to erect suitable signs where practical at the points where principal highways enter this state, giving notice of the weight, width, height, and length limitations prescribed by the laws of this state.

Filed March 7, 1955.

HOUSE RESOLUTION No. 12
(Gefreh, Saumur, Mueller, Hofstrand and Wicks)

PENITENTIARY INVESTIGATION; TRANSCRIPT EXPENSES

A resolution authorizing the payment of expenses incurred in the investigation of conditions at the North Dakota state penitentiary.

WHEREAS, House Resolution No. 4 authorized the appointment of a committee to investigate conditions at the North Dakota state penitentiary, and

WHEREAS, the committee appointed pursuant to said House Resolution No. 4 did conduct hearings and did employ Gordon H. Potter as the official reporter to make a record of all the testimony presented at such hearings and to prepare a transcript of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That there is hereby authorized the expenditure of \$1,025.00 payable to Gordon H. Potter for his charges of reporting and transcribing of the testimony adduced at said hearings, and that the same be charged to legislative expenses.

Filed March 9, 1955.

HOUSE RESOLUTION No. 13
(Bye, Currie and Adamsen)

SEED DEPARTMENT EMPLOYEES; MARKETING SEED GRAIN

A house resolution declaring the policy of the house of representatives in regard to employees of the state seed department participating in the production of agricultural seed.

WHEREAS, the commissioner and employees of the state seed department have as their primary duty the inspection and certification of potatoes and other agricultural seed; and

WHEREAS, it appears to be against the public interest and the interests of the growers of potatoes and other agricultural seed for the state seed commissioner or his employees to personally engage in the business of raising or marketing certified potatoes and other certified seed grains when it is also their official duty to inspect and certify potatoes and other agricultural seed;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA: That it is deemed to be against the best interests of the state of North Dakota and the growers of certified potatoes and other certified agricultural seed grains for the state seed commissioner or any deputy seed inspector or supervising inspector of the state seed department to personally engage in the raising or marketing of certified potatoes and other certified agricultural seed grains.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded by the chief clerk of the house of representatives to the state seed commissioner, and that copies thereof be distributed by the state seed commissioner to the deputy seed inspectors and supervising inspectors of the state seed department.

Filed March 7, 1955.

HOUSE RESOLUTION No. 14
(Committee on Industry and Business)

REDEPOSIT OF BANK OF N. D. FUNDS

A resolution authorizing the North Dakota industrial commission to direct the Bank of North Dakota to redeposit funds in North Dakota.

WHEREAS, the Bank of North Dakota, as of February 1, 1955, had on deposit with various banks throughout the nation the total sum of \$14,364,180.10; and

WHEREAS, only \$1,023,000.00 was deposited with banks in the state of North Dakota; and

WHEREAS, the Bank of North Dakota belongs to the people of North Dakota and it would be to the best advantage of the people of North Dakota, particularly the agricultural interests, that more of these funds be deposited with banks within the state of North Dakota and be made available for the credit purposes to the people of North Dakota; and

WHEREAS, it would be to the best interest of North Dakota that more of the above mentioned funds be deposited with the banks in the state of North Dakota.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY:

That the industrial commission be instructed to direct the manager of the Bank of North Dakota to withdraw deposits in

excess of required commitments, in banks outside of the state of North Dakota and to redeposit more of these funds in banks in North Dakota to a minimum of \$10,000.00, and that funds in greater amounts shall be deposited in banks in North Dakota whose resources are adequate and where collateral is provided satisfactory to the management of the Bank of North Dakota and the industrial commission.

Filed March 9, 1955.

HOUSE RESOLUTION No. 15
(Committee on Natural Resources)

LEGISLATIVE RESEARCH STUDY OF GAME COMMISSION

A resolution authorizing and directing the legislative research committee to make a study of the feasibility and advisability of the state adopting a commission form of game management.

WHEREAS, many individuals and groups concerned with wildlife and game management in North Dakota recommend a commission form of game and wildlife management for the state; and

WHEREAS, before adequate legislation can be introduced or receive favorable consideration, it is necessary that an objective, unbiased, and detailed study be made not only of the merits of the commission form of management generally, but also of the particular form and operation of a commission suitable to the needs of this state;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That the legislative research committee is hereby authorized and directed to make a detailed study and analysis of the feasibility and advisability of this state's adoption of a commission form of game and wildlife management, and to make its report and recommendations to the Thirty-fifth Legislative Assembly in such form as the committee deems appropriate.

Filed March 9, 1955.

HOUSE RESOLUTION No. 16
(Beede and Nygaard)

“SLOW DOWN AND LIVE” CAMPAIGN

A resolution designating the period between Memorial Day and Labor Day of 1955 as a “Slow Down and Live” campaign period.

WHEREAS, a needless loss of lives, limbs and property is occurring continuously on the highways of North Dakota, resulting in an annual economic loss of more than \$15 million; and

WHEREAS, speed and traffic violations growing out of speed are leading causes for much of this destruction; and

WHEREAS, the period between Memorial Day and Labor Day is one during which speed is often excessive; and

WHEREAS, the governors of the 48 states resolved at their last annual conference to cooperate in a nationwide drive to reduce speed during this period;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That the period between Memorial Day and Labor Day of 1955 is hereby designated as a “Slow Down and Live” campaign period, and the citizens of the state of North Dakota are hereby urged to give this period appropriate recognition by obedience to the traffic laws and regulations of this state, especially those relating to speed on the highways.

Filed March 9, 1955.

SENATE MEMORIAL RESOLUTION

SENATE MEMORIAL RESOLUTION No. 1 (Senate Memorial Resolutions Committee)

MEMORIAL TO DECEASED MEMBERS OF THE SENATE

A memorial resolution for deceased members of the senate of the state of North Dakota.

WHEREAS, since the adjournment of the Thirty-third Legislative Assembly, God in His wisdom has seen fit to summon to eternal rest His servants and our former colleagues:

Everett Hall Brant, who served in the twentieth, twenty-first, and twenty-sixth to the thirty-first legislative assemblies, inclusive, from the twenty-sixth legislative district, died November 3, 1954.

E. F. Mutchler, who served in the twenty-fourth and twenty-fifth legislative assemblies, from the forty-eighth legislative district, died January 28, 1954.

Nick N. Nelson, who served in the fourteenth, fifteenth, and twenty-fourth to the twenty-seventh legislative assemblies, inclusive, from the sixth legislative district, died April 1, 1954.

Harry O'Brien, who served in the twenty-seventh to the thirty-second legislative assemblies, inclusive, from the third legislative district, died October 10, 1953.

Ole H. Olson, who served in the sixteenth to the twenty-first legislative assemblies, inclusive, from the thirty-second legislative district, died January 30, 1954.

William H. Shure, who served in the twenty-ninth to the thirty-second legislative assemblies, inclusive, from the ninth legislative district, died December 21, 1954.

Edmund C. Stucke, who served in the twenty-second to the thirty-fourth legislative assemblies, inclusive, from the forty-sixth legislative district, died January 12, 1955.

Aloys Wartner, who served in the thirteenth and fourteenth legislative assemblies, from the thirty-third legislative district, died April 3, 1954.

Hugh J. Work, who served in the twenty-ninth to the thirty-third legislative assemblies, inclusive, from the eighteenth legislative district, died May 30, 1954.

John Young, who served in the twelfth to the fifteenth legislative assemblies, inclusive, from the forty-eighth legislative district, died April 19, 1954.

WHEREAS, today, we as members of the senate of the thirty-fourth 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-FOURTH 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 25, 1955.

HOUSE MEMORIAL RESOLUTIONS

HOUSE MEMORIAL RESOLUTION No. 1
(Richard Thompson, Rosberg and Ziegler)

SENATOR EDMUND C. STUCKE

WHEREAS, the Divine Ruler of the Universe in His infinite mercy and wisdom has seen fit to call from his earthly labors our friend and fellow legislator, Dr. Edmund C. Stucke, who died on January 12, 1955, while serving his seventh consecutive term as senator from the forty-sixth district; and

WHEREAS, the memory of Dr. Stucke will long remain in our hearts and minds as an efficient and able legislator, a great humanitarian, and one who numbered as his friends all who knew him; and

WHEREAS, his many years of service in McLean county as a practicing physician, as a civic leader, and as one of its legislators have won for him a place in the hearts of all that can never be refilled; and

WHEREAS, the passing of Dr. Stucke is a great loss, not only to McLean county, but also to the state of North Dakota;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That we express our deepest appreciation for the valuable services in so many ways rendered by our beloved and distinguished citizen, and that we express our heartfelt sympathy to his widow, relatives, and intimate friends.

BE IT FURTHER RESOLVED that this resolution be printed in the journal of the house of representatives and that a properly engrossed copy be forwarded by the chief clerk of the house of representatives to his widow at Garrison, North Dakota.

Filed January 18, 1955.

HOUSE MEMORIAL RESOLUTION No. 2
(Nygaard)

CONDOLENCES TO REPRESENTATIVE LAWRENCE DICK

A memorial resolution extending condolences to Representative Lawrence Dick upon the death of his brother.

WHEREAS, it has come to the attention of the house of representatives that grief and sorrow have entered the family of our colleague, Representative Lawrence Dick, by reason of the recent death of his brother William; and

WHEREAS, Representative Dick is held in the highest esteem by the members of this body, who share with him the sorrow brought to him at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA: That in this time of distress we extend our sincerest sympathies and condolences to Representative Dick and the members of his family.

BE IT FURTHER RESOLVED that this resolution be printed in the journal and an enrolled copy be presented to our colleague, Representative Dick.

Filed January 26, 1955.

HOUSE MEMORIAL RESOLUTION No. 3
(Fristad and Knudson)

CONDOLENCES TO REPRESENTATIVE MATT M. SCHMIDT

A memorial resolution extending condolences to Representative Matt M. Schmidt upon the death of his brother.

WHEREAS, it has come to the attention of the house of representatives that grief and sorrow have entered the family of our colleague, Representative Matt M. Schmidt, by reason of the recent death of his brother, M. K. Schmidt; and

WHEREAS, Representative Schmidt is held in the highest esteem by the members of this body, who share with him the sorrow brought to him at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That in this time of distress we extend our sincerest sympathies and condolences to Representative Schmidt and the members of his family.

BE IT FURTHER RESOLVED that this resolution be printed in the journal and an enrolled copy be presented to our colleague, Representative Schmidt.

Filed February 16, 1955.

HOUSE MEMORIAL RESOLUTION No. 4
(House Committee on Memorial Resolutions)

MEMORIALS TO DECEASED MEMBERS OF THE
HOUSE OF REPRESENTATIVES

A memorial resolution for deceased members of the House of Representatives of the state of North Dakota.

WHEREAS, since the adjournment of the thirty-third legislative assembly, God in His wisdom has seen fit to summon to eternal rest His servants and our former colleagues:

William Girchrist, who served in the twentieth, twenty-first, and twenty-third legislative assemblies, from the twenty-second legislative district, died June 12, 1954;

Edgar Kellogg, who served in the sixteenth, seventeenth and eighteenth legislative assemblies, from the fortieth legislative district, died October 10, 1954;

Frank Lindberg, who served in the twenty-ninth to the thirty-third legislative assemblies, inclusive, from the fortieth legislative district, died August 23, 1953;

Fred Graham, who served in the twenty-eighth to the thirty-first legislative assemblies, inclusive, from the twenty-fifth legislative district, died September 23, 1953;

C. J. Yirchott, who served in the twenty-ninth to the thirty-second legislative assemblies, inclusive, from the ninth legislative district, died September 2, 1953;

Leo E. Callahan, who served in the twenty-eighth, twenty-ninth, thirty-first and the thirty-second legislative assemblies, from the eighteenth legislative district, died March 1, 1953;

Matt Crowley, who served in the twenty-second legislative assembly from the forty-eighth legislative district, died January 13, 1955;

Robert Norheim, who served in the twelfth and thirteenth legislative assemblies, from the forty-first legislative district, died July 3, 1953;

Barney Iverson, who served in the twentieth legislative assembly, and special session of 1928, from the forty-first legislative district, died August 13, 1953;

George Schwartz, who served in the twenty-sixth to the thirty-first legislative assemblies, inclusive, from the forty-ninth legislative district, died January 1, 1955;

Thomas Gudmestad, who served in the twentieth legislative assembly, from the thirty-eighth legislative district, died September 3, 1954;

Ole Stray, who served in the twenty-fourth and twenty-fifth legislative assemblies, from the forty-fourth legislative district, died July 9, 1953;

Andrew Halvorson, who served in the twenty-sixth to the twenty-ninth legislative assemblies, inclusive, from the thirty-fourth legislative district, died July 1, 1953;

William F. Plath, who served in the twenty-first and twenty-second legislative assemblies, from the eleventh legislative district, died August 23, 1954;

William Sinclair, who served in the tenth and eleventh legislative assemblies, from the twenty-third legislative district, died April 5, 1954;

Russell R. Wright, who served in the twenty-third legislative assembly, from the twenty-third legislative district, died August 5, 1954; and

John J. Giedt, who served in the ninth legislative assembly, from the thirty-sixth legislative district, died February 16, 1954.

WHEREAS, today, we as members of the house of representatives of the thirty-fourth 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 HOUSE OF REPRESENTATIVES OF THE THIRTY-FOURTH 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 house and that duly enrolled copies of this resolution be presented by the secretary of state to the surviving families of these deceased representatives.

Filed March 3, 1955.

INDEX TO SENATE BILLS

Bill	Chapter	Bill	Chapter	Bill	Chapter
1	23	59	190	150	295
2	65	61	164	152	292
3	63	62	86	153	185
4	67	65	243	155	163
5	78	66	114	156	107
6	69	67	348	157	106
7	77	68	35	158	139
8	71	70	304	161	125
9	72	72	5	162	178
10	73	73	119	163	258
11	74	75	339	164	257
12	21	80	99	166	174
13	20	82	100	168	332
14	17	83	216	169	273
15	11	84	101	171	285
16	14	85	265	172	141
17	13	86	172	173	117
18	15	87	204	175	282
19	47	88	60	176	269
21	51	90	220	177	271
22	25	93	343	178	272
23	18	96	286	179	223
25	45	100	290	180	102
26	46	101	127	183	293
27	31	103	109	184	82
28	28	104	121	186	203
29	22	105	287	190	206
30	12	106	217	195	24
31	62	107	85	196	312
32	70	110	262	197	345
33	347	112	327	203	91
34	354	113	328	204	240
35	184	114	324	205	246
36	88	115	297	209	351
37	124	116	261	210	353
38	313	125	115	211	352
40	160	126	108	217	291
42	338	127	105	220	218
43	310	129	193	224	266
44	212	130	84	225	302
45	166	133	155	228	213
46	167	134	135	229	116
48	256	135	195	235	112
50	249	136	210	237	219
51	322	138	276	240	298
52	173	141	201	241	9
53	236	142	131	242	129
56	215	143	274	243	233
57	98	146	330	247	103
58	130	149	294	248	317

INDEX TO HOUSE BILLS

Bill	Chapter	Bill	Chapter	Bill	Chapter
501	68	568	179	666	205
502	19	569	97	667	137
503	43	570	221	669	307
504	37	572	161	673	93
505	33	573	188	674	349
506	26	575	126	675	259
507	27	576	169	676	168
508	56	577	171	678	175
509	8	581	350	680	162
510	54	584	238	681	300
511	55	585	194	682	247
512	53	586	319	683	199
513	4	587	145	684	208
514	2	588	146	685	197
515	1	589	134	686	158
516	39	590	64	687	214
517	50	591	10	688	284
518	52	594	314	689	83
519	57	595	198	690	330
520	30	596	323	691	326
521	3	597	232	692	264
522	7	598	248	693	263
523	6	600	340	694	170
524	49	601	252	696	128
525	38	606	192	697	113
526	61	610	250	698	143
527	44	611	118	702	156
528	34	612	229	704	311
530	36	613	152	705	123
531	59	614	32	707	227
532	29	617	316	708	142
533	16	619	111	710	176
534	336	620	196	713	346
535	244	623	133	714	200
536	79	625	235	717	154
537	80	627	296	725	58
539	337	628	95	727	148
540	237	629	207	736	306
541	251	631	321	739	157
542	253	634	267	740	87
543	255	637	222	742	245
545	147	638	301	748	92
546	239	640	149	749	136
548	132	641	90	754	104
551	96	643	151	755	230
553	75	644	177	756	231
554	42	649	150	761	66
556	335	650	268	762	344
557	254	651	180	770	270
558	228	656	299	771	278
559	318	658	226	772	277
560	94	659	341	774	281
561	355	661	283	775	241
562	76	662	138	777	280
563	202	663	309	778	211
564	325	665	120	779	279

Bill	Chapter	Bill	Chapter	Bill	Chapter
785	110	817	289	847	334
786	153	821	159	851	342
788	224	822	89	852	182
789	181	825	122	854	40
790	183	827	315	855	225
796	81	828	186	856	144
799	275	829	187	857	260
804	288	830	189	858	191
810	333	837	303	860	41
811	329	838	165	861	308
812	242	840	209	862	234
816	305	846	331	863	48
				864	140

AMENDMENTS AND REPEALS TABLE

Code		N.D.R.C. 1943 and 1953 Supplement	S.L. 1955	
Sec.	(subs.)		Chap.	(sec.)
1-0301	(10)	Supp. *	84	
4-0710			109	(3)
07121		Supp.	109	(4)
0713			109	(5)
10A06	(d)	Supp.	92	(1)
10A08	(a)	Supp.	92	(2)
1201	(4)			
1201	(5)		93	(1)
1204			93	(2)
1209			93	(3)
1212			93	(4)
1214)				
1218)				
1219)		rep.**	93	(10)
1220			93	(5)
2204			94	(1)
2224			94	(2)
5-0203)				
0204)		rep.	96	(12)
0205			96	(1)
0206			96	(2)
0210		Supp.	97	(1)
0211			96	(3)
0212			96	(4)
0213			96	(5)
0217			96	(6)
0218			96	(7)
0220			96	(8)
0222	(1)	Supp.	96	(9)
0307			96	(10)
0318			97	(2)
0509		Supp.	97	(3)
6-0125			98	(1)
0307			99	
0614		Supp.	102	
10-0330	(1)		103	
0807		Supp.	104	
1206	(4)		105	
1313			107	
1319			108	
1504			109	(6)
1508			109	(7)
1515			109	(8)
11-1010	(2)		110	(1)
1010	(3)	Supp.	111	
1010	(4)			
10102		Supp.	110	(2)
1114	(12)			
1114	(13)			
1114	(14)		112	
1512		Supp.	113	

*1953 Supplement.

**repeal.

Code		S.L. 1955	
Sec.	(subs.)	Chap.	(sec.)
11-1803		114	
2501		98	(2)
2708		86	
3201	Supp.	118	
12-1006		120	
2107)			
2109)			
2111)			
2115 (2)		rep. 122	(7)
5313	Supp.	123	
5503		124	
		125	
14-0304		rep. 126	(1)
0305		rep. 126	(2)
0326		rep. 126	(3)
0327		rep. 126	(4)
1207	Supp.	127	(8)
1208	Supp.	127	(9)
1210	Supp.	127	(10)
1211	Supp.	127	(11)
1212	Supp.	127	(12)
1218	Supp.	127	(13)
15-0309	Supp. (c.125, 1953 S.L.)	rep. 128	
0704		129	
1901 (3)		132	(25)
1902		132	(26)
1903		132	(27)
1906		132	(28)
2002	Supp.	132	(2)
2003	Supp.	132	(3)
2004	Supp.	132	(4)
2006	Supp.	132	(5)
2008		132	(6)
2010	Supp.	132	(7)
2012 (1)	Supp.	132	(8)
2012 (4)	Supp.	132	(8)
2013	Supp.	132	(9)
2014	Supp.	132	(10)
2015	Supp.	132	(11)
2113		98	(3)
15-2507		135	
2511	Supp.	136	(1)
2512		137	(1)
2515	Supp.	138	
2526		98	(4)
29082	Supp.	136	(2)
2912 (5)		98	(5)
3409		133	(1)
3412		134	
3914	Supp.	139	(1)
3915	Supp.	139	(2)
3923		139	(3)
3926	Supp.	139	(4)
3928 (1)	Supp.	139	(5)
3931	Supp.	139	(6)
3940	Supp.	139	(7)
4002		132	(29)
4003		132	(12)

Code		S.L. 1955	
Sec.	(subs.)	Chap.	(sec.)
15-4010		132	(13)
4014	Supp.	141	
4016		140	
4019	Supp.	142	(1)
4021	Supp.	132	(14)
4105		132	(15)
4701	Supp.	145	
4727	Supp.	146	
4803		148	
5303	Supp.	132	(16)
5304	Supp.	132	(24)
5315	Supp.	150	
5601	Supp.	154	
5602	Supp.	137	(2)
5701	Supp.	132	(17)
5704	Supp.	155	
5707	Supp.	155	
5803	Supp.	142	(2)
5902	Supp.	132	(18)
5903	Supp.	132	(19)
5905	Supp.	132	(20)
6001 (6)	Supp.	132	(21)
6002	Supp.	132	(24)
6004	Supp.	156	
6006	Supp.	132	(22)
16-0102		157	
0901		159	(10)
0902		159	(11)
1016	Supp.	158	
1103		159	(6)
1104		159	(7)
16-1105		159	(8)
1107		159	(9)
1703	Supp.	160	
18-0105		161	
19-0310		163	(1)
0311		164	
0601		165	(1)
0602		165	(2)
0603		165	(3)
0604		165	(4)
0605		165	(5)
0606		165	(6)
20-0125	Supp.	166	
20-0302	Supp.	168	(1)
0310		168	(2)
0314)	Supp.		
0315)	Supp.		
0316)			
0317)			
0601)			
0602)			
0603)			
0604)	Supp.		
0605)	Supp.		
0606)		169	(14)

Code Sec. (subs.)	S.L. 1955 Chap. (sec.)	
20-0607)		
0608)		
0609)		
0610)		
0611)	Supp.	
0612)		
0613)		
0614)		
0615)		
0616)	Supp. rep.	169 (14)
21-0101	.....	98 (6)
0102	.....	98 (7)
0301 (4)	Supp.	170
0306 (2e)	.....	174
0501	Supp.	171
0605	.....	172 (1)
0606	.....	172 (2)
0607	Supp.	173
23-0603	.....	299
1001	..... rep.	175 (13)
1002	.....	175 (2)
1003	.....	175 (3)
1004	.....	175 (4)
1005	.....	175 (5)
1006	.....	175 (6)
1007	..... rep.	175 (13)
1008	.....	175 (8)
1009	..... rep.	175 (13)
1010	.....	175 (10)
1011	.....	175 (11)
1012	.....	175 (12)
24-0105	Supp.	177
0113	Supp.	178
0128	Supp.	88 (1)
0619	.....	180
0628	Supp.	181
0630	.....	182
1001	.....	183 (1)
1002	.....	183 (2)
25-03071	Supp.	184 (3)
0308	..... rep.	184 (5)
0309	.....	184 (2)
26-0340 (6)	Supp.	188
1203	.....	190 (1)
1219	Supp.	190 (2)
1220	.....	190 (3)
1221	..... rep.	190 (5)
1228	.....	190 (4)
1513	Supp.	191
2211	Supp.	192
2223	Supp.	193
2229	.....	194 (1)
2230	.....	194 (2)
2315	.....	88 (2)
27-0501 (4)	.....	195 (1)
0740	Supp.	196

Code Sec. (subs.)	S.L. 1955 Chap. (sec.)
27-0812	Supp. 197
0818	..... 198
0831	..... 199
0905 (2)	Supp. 200
0905 (3)	Supp. 201 (1)
0905 (4)	Supp. 201 (2)
1122	..... 202
1204	..... 204
1603	Supp. 205
28-0611	Supp. 208
1301	..... 210
29-0127	..... 211
30-0213	..... 212
1705	Supp. 213
1933	..... 214
31-0102	..... 215
0203	..... 85
1206	..... 217
35-0304	..... 218
0410	..... 219
0506	..... 220
0902	Supp. 88 (3)
2013	..... 222
2302	..... 223
36-0301) to	
0322) incl.	rep. 224
0401	Supp. 226
1104	..... 227 (1)
1409	..... 227 (2)
1505	..... 227 (3)
1508	..... 229
1509	Supp. 230
2301	..... 24 (2)
37-1003	Supp. 234
1712	Supp. rep. 237 (1)
38-0205	..... 237 (67)
39-0101	..... 238 (1)
0101 (6)	..... 239 (5)
0101 (15)	..... 239 (6)
0101 (16)	Supp. 240
0101 (23)	..... 241
0102	Supp. 242 (1)
0303	Supp. 244 (1)
0304 (1)	Supp. 244 (2)
03A01 (7)	Supp. 248
0411	..... 242 (2)
0421	Supp. 244 (4)
0422	Supp. 244 (5)
0424	Supp. 244 (3)
0446	..... 242 (2)
39-0447)	
0448)	rep. 244 (4)
0451	..... 244 (5)
0467	..... 244 (3)
04A04 (2)	Supp. 244 (3)

Code Sec. (subs.)	S.L. 1955 Chap. (sec.)
39-04A04 (3) Supp.	244 (3)
04A06 (1) Supp.	249
0601)	
0602) Supp.	
0603)	
0604)	
0605) to	
0607) incl. Supp.	
0608)	
0609) to	
0611) incl. Supp.	
0612) to	
0614) incl.	
0616) Supp.	
0617)	
0618) Supp.	
0619) Supp.	
0620)	
0621) Supp.	
0622)	
0623)	
0624) rep.	251 (53)
0704) Supp.	252
0712) rep.	253 (16)
0804) to	
0808) incl. rep.	253 (16)
0902) rep.	254
1001) to	
1009) incl.	
1010) Supp.	
1011) to	
1017) incl.	
1018) Supp.	
1019) Supp.	
1020) to	
1026) incl.	
1027) Supp.	
1028) Supp. rep.	237 (67)
1103) rep.	255 (1)
1108) rep.	255 (3)
1109) rep.	255 (4)
1112) rep.	255 (5)
1119) rep.	255 (9)
1120) rep.	255 (11)
1130) rep.	255 (12)
1132) rep.	255 (13)
1204 (3) Supp.	256
1208) Supp.	258
40-0101 (6) rep.	98 (8)
0105) rep.	88 (4)
0501 (1) Supp.	254 (2)
0501 (67) rep.	259 (6)
0511) rep.	260
0706) rep.	262
0808) rep.	263 (1)
0816) rep.	263 (2)
0910) rep.	263 (3)

Code Sec. (subs.)	S.L. 1955 Chap. (sec.)
40-0911	264
1705	98 (9)
1706	Supp. 98 (10)
1803	265
1819	266
1904	267
2501	88 (5)
2608	Supp. 268
2805	269
2907	270 (1)
2908	270 (2)
2909	270 (3)
2913	271 (1)
2914	271 (2)
3107	272 (1)
3108	272 (2)
3301	259 (1)
3502	Supp. 274
3703	275
3802	Supp. 276
4506	277
4608	278
4910	279
43-0901	Supp. 282 (1)
0902	Supp. 282 (2)
0909	282 (3)
0910	282 (4)
0911	Supp. 282 (5)
0913	Supp. 282 (6)
0914	Supp. 282 (7)
0919	Supp. 282 (8)
0920	Supp. 282 (9)
1301	284 (1)
1307	284 (2)
1308	284 (3)
1317	284 (4)
1320	284 (5)
2201	Supp. 236 (1)
2202	Supp. 236 (2)
2205	Supp. 236 (3)
2206	Supp. 236 (4)
2208	Supp. 236 (5)
44-0610	rep. 286
0612	287
46-0410	Supp. 289
47-1636	Supp. 290
1822	291
48-0202	293
0210	Supp. rep. 294
50-0723	298
0734	Supp. 299
0921	300 (1)
0922	300 (2)
51-0401) to 0402) incl.	Supp. rep. 301 (11)

Code		S.L. 1955	
Sec.	(subs.)	Chap.	(sec.)
51-0403	to		
0411	incl.	rep.	301 (11)
52-0101	(2) Supp.		304 (1)
0101	(11a) Supp.		304 (1)
0405	Supp.		304 (2)
0406	(1a) Supp.		304 (3)
0406	(1b) Supp.		304 (3)
0406	(4) Supp.		304 (3)
0504			304 (4)
0604	Supp.		304 (5)
0627	Supp.		305
0633	Supp.		304 (6)
0909	Supp.		307 (1)
0920	(A) Supp.		308
0920	(B) Supp.		307 (2)
0920	(E) Supp.		308
0920	(F) Supp.		308
54-1404	Supp.		310
2601	Supp.		313
2708			98 (11)
3601	Supp.		314
57-0208	(20)		315
0210			316
1506	Supp.		317
15101	Supp.		318
1514	(1) Supp.		
1514	(2) Supp.		
1514	(3) Supp.		142 (3)
1516	Supp.		319 (1)
1517	(1) Supp.		319 (2)
15251	Supp.		142 (4)
2226			321
3602	Supp.		96 (11)
3711	(2b) Supp.		322 (1)
3711	(2i) Supp.		322 (2)
3801	(18)		324 (1)
3801	(19)		324 (2)
3805			324 (3)
3809	(6)		324 (4)
3822	(6) Supp.		325
3822	(8)		326
3827	(1)		324 (5)
3835			324 (6)
3836			324 (7)
3842	(1)		324 (8)
3842	(3)		324 (9)
3844			327
3849			328
4001	(2)		331 (1)
4001	(3b)	rep.	330
4001	(4)		331 (2)
4001	(5)		331 (3)
4001	(10)		331 (4)
4002			331 (5)
4003	(2)		331 (6)
4003	(3)	rep.	332
4003	(8)		331 (8)

Code Sec. (subs.)	S.L. 1955 Chap. (sec.)
57-4006 (4)	
4006 (5)	
4006 (6)	333
4010	331 (7)
4111	Supp. 336 (6)
4133	Supp. rep. 334
4201)	
4202) to	
4204) incl. Supp.	
4205)	
4206)	Supp. rep. 335 (21)
4302	Supp. 336 (1)
4304	Supp. 336 (2)
4305	Supp. 336 (7)
4306	Supp. 336 (3)
4307	Supp. 336 (4)
4309	Supp. 336 (5)
4809	Supp. 337 (1)
4813	Supp. 337 (2)
4815	Supp. 337 (3)
4816	Supp. 337 (4)
4901) to	
4903) incl. Supp.	rep. 338
58-0405	Supp. 341
0516	342
59-0302 (3)	
0302 (4)	343
61-0101	345
1602	Supp. 346 (1)
1605	Supp. 346 (2)
1615	Supp. 346 (3)
1620	Supp. 346 (4)
2101) to	
2103) incl.	
21031) to	
21041) incl. Supp.	
2105)	
2106)	
21061)	Supp.
2107) to	
2110) incl.	
21101)	Supp.
2111) to	
2113) incl.	
21131) to	
21141) incl. Supp.	
2115)	
21151)	Supp.
2116)	
21161)	Supp.
2117) to	
2119) incl.	
2120)	Supp.
2121) to	
2124) incl.	
2125)	Supp. rep. 347 (58)

Code	S.L. 1955	
Sec. (subs.)	Chap.	(sec.)
61-2126) to		
2129) incl.		
2130) Supp.		
2131) to		
2133) incl.		
21331) Supp.		
2134)		
2135) Supp.		
21351) Supp.		
2136) to		
2141) incl.		
21421) to		
21428) incl. Supp.		
2143) to		
2145) incl.		
2146) Supp.		
2147) to		
2163) incl.		
2164) Supp.		
21641) Supp. rep.	347	(58)
2401) to		
2411) incl. Supp. rep.	348	(18)
63-0201) to		
0217) incl. rep.	349	(17)
0305 Supp.	350	(1)
0306 Supp.	350	(2)
64-0201 (3)		
0210 Supp.	351	
0216	352	
	353	
65-0102 (5b3)		
0102 (5c)	354	(6)
0102 (6)	354	(6)
0109 Supp.	354	(7)
0201	354	(8)
0205	354	(1)
0425	354	(9)
0427	354	(2)
0505	354	(10)
0511 Supp.	354	(11)
0512 Supp.	354	(12)
0513 Supp.	354	(13)
0517 Supp.	354	(14)
0518	354	(4)
0801 Supp.	354	(3)
1001 Supp. (App'd. March 9, 1951)	354	(5)
1001 Supp. (App'd. March 6, 1951)	354	(16)
1103 Supp.	354	(15)
1204 (3) Supp.	355	(1)
1206 Supp.	355	(2)
1211 Supp.	355	(3)

GENERAL INDEX

ACCIDENTS —See also Motor Vehicles; Workmen's Comp. Reports; records; duties.....	Page* 379
ACCUMULATIONS —See Trusts	
ACHIEVEMENT FAIR —See Fairs	
ADJUTANT GENERAL —See Military; Approp's, St. Dept's, Budget	
ADMINISTRATION, BOARD OF —See also institutions concerned; Approp's, St. Dept's, Budget; Capitol	
Custody of patients under orders of tuberculosis board.....	255
Deaf school land sale.....	519
Soldiers home; supply bids.....	313
Transfer of patients to tuberculosis sanatorium.....	254
ADMINISTRATOR —See also Judicial Procedure, Probate Homestead; insanity.....	
	474
ADVERSE PARTY —See Judicial Proof	
AERONAUTICS COMMISSION —See also Approp's, St. Dept's, Budget	
Claims against crop dusting; report.....	278
Unlawful obstruction near runways; notice; violation.....	93
AGRICULTURAL AND TRAINING SCHOOLS —See Education; Taxation; Approp's, St. Inst'ns	
AGRICULTURAL COLLEGE —See also Education; Higher Education, Board of; Approp's, St. Inst'ns	
Bond issue; tax exempt.....	201
Extension service; weed commission.....	615
Soil reconnaissance; appropriation.....	79
Stallion registration board; repeal.....	303
AGRICULTURAL HIGH SCHOOL —See also Education Ten mill levy.....	
	193
AGRICULTURAL RESEARCH SERVICE Brucellosis vaccination.....	
	305
AGRICULTURE —See also Tax'n; Resol'ns	
Abstract of crop liens.....	292
Additional ¼ mill levy for county fair.....	94
Bees and bee equipment.....	98
Civil actions for crop dusting.....	278
County clerical help for soil conservation districts.....	102
Imitation ice cream.....	219
Land; taxation; reorganized school district.....	199
Nonresident truck registration.....	358
Parity for family-type farm products; resolution.....	682
Potato development commission; regulatory powers.....	96
Regulation of seed sales agreements.....	95
Soil conservation committee; supervisors; surety bonds.....	101
Wheat; durum; acreage controls; resolution.....	652
Wheat; hard spring; acreage allotments; resolution.....	661
Wheat, Selkirk; resolution.....	699
AGRICULTURE AND LABOR, DEPARTMENT OF —See Approp'ns, St. Dept's, Budget	
AID —See Welfare	

*Generally, references are to first page of Acts.

	Page
AIR CONDITIONING	
Vehicles	392
AIRCRAFT —See Aeronautics Commission	
ALCOHOLIC BEVERAGES —See also Attorney General; Licenses	
Initiated measure disapproved; closing hours.....	646
Licensing and taxation of dealers.....	104
Prohibition of sale to Indians removed.....	109
ALCOHOLISM, COMMISSION —See Approp's, St. Dept's	
ALIENATION —See Trusts	
AMBULANCE	
Emergency vehicle	323
AMENDMENTS AND REPEALS	
Table of amendments and repeals.....	733
AMENDMENTS, CONSTITUTIONAL —See Const'l Amendments	
AMERICAN LEGION MEMORIAL HIGHWAY	
Resolution	657
ANIMALS —See Livestock; Game, Fish, and Predators	
ANTICIPATION CERTIFICATES —See Certificate, Anticipation	
APIARIES —See Bees	
APOTHECARIES —See Drugs	
APPEALS —See Courts	
APPRAISAL	
Diseased livestock	307
APPROPRIATIONS	
Miscellaneous	
Burial, release of inmates.....	1
County fairs; club work.....	1
Firemen's association	2
Fugitives	3
Law enforcement; extraordinary expenses.....	3
National convention delegates.....	4
Presidential electors	5
Refunds, miscellaneous	5
Richland County refund.....	6
Steele County refund.....	7
Schools	
Construction fund and board.....	9
Correspondence study	8
Equalization fund administration.....	7
School district reorganization board.....	9
Special education of exceptional children.....	10
Teachers insurance and retirement.....	11
Vocational education	12
Vocational rehabilitation	13
State departments	
Alcoholism commission	13
Attorney general licensing.....	14
Auditor; gas tax division.....	15
Auditors, state board of.....	62
Bonding fund	16
Bridge; Little Beaver Creek.....	38

APPROPRIATIONS—cont.	Page
State departments—Cont.	
Budget	17
Adjutant general	26
Administration, board of	24
Aeronautics commission	23
Agriculture and labor, department of	22
Alcoholism commission	13
Athletic commission	22
Attorney general	21
Auditor	19
Budget board; director	27
District courts; judges	19
Examiner	27
Governor	17
Higher education, board of	28
Industrial commission	25
Insurance commissioner	20
fire marshal	21
Land commissioner	24
Legislative assembly, 35th	26
research committee	26
Library commission	25
Lieutenant governor	18
National guard	26
Pardon board	27
Printer	26
Public instruction, department of	22
Public service commission; utility; weights and measures	23
Reward criminal apprehension	27
Secretary of state; public printing	19
Securities commission; oil and gas broker Act	28
Seed department	25
Supreme court; judges; reporter and law librarian	18
Tax commissioner	24
Treasurer; liquor control	20
Civil defense	29
Coal mine inspector	30
Emergency commission	31
Examiner; closed bank fund	29
Fire and tornado fund	31
Game and fish department	32
Geological survey	33
Hail insurance department	34
deficiency	35
Highway department	37
Little Beaver Bridge	38
Highway patrol	39
Historical society	40
Indian affairs commission	41
Laboratories department	42
Legislative employees; additional per diem	43
Legislative research, OASIS actuarial study	44
Livestock sanitary board	45
Motor vehicle registrar	46
Old age and survivor insurance system	44, 47, 508
Parks committee	40
Poultry improvement board	48
Public health department	36

APPROPRIATIONS—Cont.	Page
State departments—Cont.	
Public service commission	23
auto transportation	49
livestock dealers	50
Public welfare board	51
Research foundation	52
Seed department	25, 53
Soil conservation	54
Soldiers home	55
Statutory revision—See also legis. res. com.	26, 45
Veterans affairs commissioner	56
Veterans aid commission	57
Veterinary medical examiners	57
Water conservation commission	
administration	58
programs	59
Workmen's compensation	60
State institutions	
Agricultural college	70
soil reconnaissance	79
Armory construction	61
Auditors, state board of	62
Bank of North Dakota	63
Blind school	65
Bottineau school of forestry	73
Capital special assessments; Bismarck	80
Capitol building; water, sewage	66
Deaf school	67
Dickinson state teachers college	71
Ellendale normal and industrial school	72
Executive mansion	68
Grafton school for feebleminded	69
Hospital for the insane	74
Mayville state teachers college	72
Mill and elevator	75
Minot state teachers college	72
Penitentiary	76
criminal identification bureau; parole officer	77
tag and sign plant, coffin factory; twine plant	78
State farm	77
Training school, state	80
Tuberculosis sanatorium	81
University of North Dakota	70
Valley City state teachers college	72
Wahpeton school of science	72
Transfers	
3% highway construction fund transfers	37
Auto transportation fund to highway construction	82
Bank of North Dakota to highway construction	83
Health department unclaimed fees to general fund	84
Mill and elevator funds to highway construction	83
Penitentiary construction balance to general fund	77
Public welfare funds to crippled children services	86
Sales tax fund to sales tax fund	555
Tuberculosis sanatorium balance to general fund	85
APPROPRIATIONS—PARTS OF OTHER ACTS	
Game and fish department; Garrison planting	223
Industrial commission; Riverdale property	518
Nurses scholarships	464
OASIS administration	508
Transfer retail sales tax fund	555

	Page
ARCHITECTS—See Public Bldgs.	
ARMISTICE DAY—See Veterans' Day	
ARMORIES—See Military; Approp's, St. Dept's	
ARREST—See also Motor Vehicles; Highway Dept.; Crimes	
Reciprocal enforcement of support.....	158
State forester; deputies.....	215
ASSESSMENT—See Taxation	
ASSESSORS—See also Counties; Offices and Officers	
Compensation, village assessors.....	410
ASSIGNMENTS	
Mortgages without address of grantee validated.....	87
Refund claim, fuel tax.....	572
ATTORNEY GENERAL—See also Approp's, St. Dept's, Budget	
Board of pardons; meeting.....	156
Board of public school education.....	165
Garrison diversion conservancy district.....	606
Law enforcement; federal; extraordinary expense.....	3
Reciprocal enforcement of support.....	158
Safety committee.....	387
Unfair trade practice; dairy products.....	490
ATTORNEYS	
Annual license fee; distribution.....	275
Indigent defendants; courts of increased jurisdiction; fee.....	274
Indigent defendants; fee.....	282
Fees in well drilling or pipeline lien suit.....	301
AUCTIONS AND AUCTIONEERS—See also Sales and Exchange	
Transient merchants.....	484
AUDITOR, COUNTY	
Claims against county or township.....	231
Coroners fees.....	140
Duties and fees; services to individuals.....	140
Nominations for precinct committeemen.....	213
Salary.....	129
Warrants, public books and accounts.....	111
Weeds; lien; tax.....	620
AUDITOR, STATE—See also Approp's, St. Depts, Budget	
Delinquent taxes; deduction from warrants.....	529
Fuel tax refund claim assignment.....	572
Fuel tax refund claims, invoices; destruction.....	560
Refundable one cent fuel tax.....	567
Special Fuels Tax Act.....	561
AUDITING BOARD, STATE	
Claims against the state.....	516
AUDITORS, STATE BOARD OF—See Approp's, St. Dept's	
BAIL	
Habeas corpus; extradition.....	283
BALLOTS—See Elections	
BANGS DISEASE—See Livestock	

BANK OF NORTH DAKOTA—See also Approp's, St. Inst'ns	Page
Audit appropriation; general approp'n.....	62, 63
Funds transfer to highway construction.....	83
Redeposit of funds; resolution.....	719
BANKS AND BANKING—See also Examiner, State	
Credit union loans; committee.....	119
Mortgagees and banks advancing funds to protect liens.....	117
Public books and accounts; warrants; state examiner.....	111
State banking association investments.....	116
Trust company investments of trust funds; commingling.....	118
BASEBALL	
Exception to Sabbath-breaking.....	154
BEER—See Alcoholic Beverages	
BEES	
Control and regulation.....	98
BICYCLES	
Traffic regulation.....	342
BIDS—See also Public Bldgs.; Bonds	
Native natural resources; repeal.....	477
Soldiers home; supplies.....	313
BLIND—See also Welfare; Education; Approp's, St. Inst'ns	
Joint school, N. Dak. and S. Dak.; resolutions.....	654, 691
Vehicles; rules of the road.....	333
BOARDS—See appropriate agency by alphabetical name, and also Approp's, St. Dept's	
BOILER	
Inspection; certificate.....	635
BONDING FUND, STATE—See also Approp's, St. Dept's	
Suit against defaulting employee and fund; correction.....	91
Surety for soil conservation officers.....	101
BONDS	
Bidders; armories.....	312
Broker; oil, gas, uranium.....	316
Destruction.....	232
Drainage districts; commissioners; petitioners, construction of drains; lateral drain.....	582
Indemnity against lien.....	299
Investment by political subdivisions.....	233
Mobile home dealers.....	361
Municipal	
issuance under Urban Renewal Law.....	442
issue for transport or utility.....	234
revenue bonds under Industrial Development Act.....	423
transportation system.....	416
undertaking, definition of.....	418
BONUS—See Veterans	
BOTTINEAU, SCHOOL OF FORESTRY—See also Education	
Appropriation.....	73
BRIDGES—See Highways; Appropriations; Resolutions	
BRUCELLOSIS—See Livestock	

	Page
BUDGET —See Appropriations, State Departments	
BUILDING FUND	
School district; ten mill levy.....	527
BUILDINGS —See also Public Buildings	
Movers; length, limitations.....	396
Movers; tax exemption.....	355
Over 200 feet; near runways; misdemeanor.....	93
Preference; materials.....	477
BURIAL —See also Coroners	
Penal inmates; appropriation.....	1
Welfare; costs; private aid.....	482
BURLEIGH COUNTY —See also Counties	
District court; review of compensation decision.....	499
BURLINGTON PROJECT —See Christianson Project	
BUS —See also Motor Vehicles	
Length; limitations.....	396
Seat tax.....	352
Stopping; regulations.....	319
Transportation; reorganized school districts.....	198
BYLAWS —See Corporations	
CALVES —See Livestock	
CAPITAL STOCK —See Corporations	
CAPITOL	
Building; water and sewage; reappropriation.....	66
Park; vacating plat.....	478
CATTLE —See Livestock	
CENSUS, STATE	
Postponement.....	520
CERTIFICATE	
Anticipation; retirement.....	570
Boiler inspection.....	635
CESSPOOLS —See Health	
CHILDREN —See also Domestic Relations	
Eligibility age for public schools.....	194
Obscene matter.....	151
Welfare aid; county share.....	483
Workmen's compensation.....	626
CHIROPODIST —See Drugs	
CHOLERA, HOG —See Livestock	
CHRISTIANSON PROJECT, JUDGE A. M.	
Appropriation.....	64
Burlington Project; name change.....	656
Payments to certain school districts.....	192
CIGARETTES	
Tax exempt; soldiers home.....	532
CITIES —See Municipalities	

CONTRACTS	Page
Advancement of funds to protect lien	116
Dairy industry; unfair trade.....	490
Governmental bodies; joint powers.....	514
Seed sales agreements.....	95
CONTRIBUTIONS—See Taxation; Insurance, OASIS	
CONVENTION, NATIONAL	
Delegates; appropriation.....	4
COOPERATIVES—See Corporations	
CORONER	
Office and duties.....	135
CORPORATIONS	
Bylaws of electric cooperatives; mutual aid corp's.....	122
Capital stock increase or decrease.....	120
Chattel mortgages; renewal and limitation.....	291
Constitutional amendment; capital stock; indebtedness.....	638
Coop. and marketing ass'n; organization and operation	124
Directors of electric cooperatives.....	123
Directors of mutual aid corporations.....	121
Elevator company; abstract of crop lien.....	292
Fire insurance companies.....	214
Law revision; resolution.....	651
Real property held by religious and charitable associations.....	121
CORRECTIONS	
Clerical, typing or printing errors in Code.....	90
CORRESPONDENCE—See Education; Approp's, Schools	
COUNTIES—See also office concerned; Offices and Officers	
Agent; county fair appropriation.....	1
Auditor, act as clerk of drainage board.....	582
Bridges over drains on section lines.....	582
Building material preference.....	477
Buildings; construction, improvement; architect.....	476
Cattle guards on county roads.....	249
Claims against; procedure.....	231
Clerical help for soil conservation districts.....	102
Commissioners	
agreements to maintain memorials.....	142
appoint drainage commissioners.....	582
compensation; clerk of county court of increased juris.....	272
livestock district termination.....	304
Mountrail county; Indian affairs.....	521
one-half mill levy for advertising.....	526
powers.....	133
salary, expenses.....	130
Sunday baseball.....	154
tax exempt lands.....	523
township fire protection.....	573
voting machines.....	208
warrants; accounts.....	111
water conservation district; 3 mill levy.....	580
Contingent liability on drain bonds.....	582
Drainage law, board, powers, operation.....	582
Fairs; additional ¼ mill levy for.....	94
Fences along section lines, removal.....	248
Garrison diversion conservancy district.....	606
Grass planted on road ditches and grades.....	245
Insane persons; admission, custody and release.....	251

COUNTIES—cont.	Page
Interrog. on admission to state hospital repealed	251
Invest surplus funds in bonds	233
Joint exercise of powers	514
Law enforcement; expense; appropriation	3
Levy for library purposes	420
Memorials; levy; maintenance	142
Old age assistance share	482
Recording instruments without regard to taxes	134
Records; destruction	141
Roads; back sloping grades and ditches	245
Roads; secondary or feeder; designation	243
Salary, county officers; existing schedule repealed	129
Section lines; obstruction	247
Tax levy; 20 mills	524
Township road funds; expenditure on county system	246
Trading stamp license	488
Transient merchants	484
Tuberculosis board; created, powers	255
Vehicle registration fees; distribution	352
Weed commission	615
Weeds; cutting along highways	621
Welfare aid to dependents, mothers; share	483
Welfare burial costs; private aid	482
Workmen's compensation review, Burleigh county	499
Zoning	143
COUNTY AGRICULTURAL AND TRAINING SCHOOLS—See	
Appropriations; Education	
COUNTY COMMISSIONERS—See Counties	
COUNTY HIGH SCHOOLS—See Education	
COUNTY OFFICERS—See Counties, or officer by alphabetical name	
COUNTY SUPERINTENDENT OF SCHOOLS—See Superinten-	
dent of Schools, County; Education; School Districts	
COUNTY TUITION FUND	
Elementary per pupil payment	202
COUPONS—See Stamps, Trading	
COURTS—See also Judges; Judicial Procedure; Judicial Proof;	
Judicial Branch; Supreme Court	
Attorneys annual license fee; distribution	275
Bail, pending extradition	283
Civil action; impounding overloaded trucks	397
Clerk, county court of increased jurisdiction; compensation	272
Convictions; driver license	364
County zoning; appeals	143
Court reporter; juvenile court	277
Destruction of certain records	141
District	
appeal from tax commissioner; sales tax	540
appeals, decisions of police magis. and village justice courts...	409
appeals from insurance commissioner	281
appeals from order establishing drainage district	582
appeals from orders of county tuberculosis board	255
appeals; workmen's comp. decision	499, 626
appointment additional judge, fourth district	270
clerk; salary	129
lien statement for well drilling or pipeline	295

COURTS—Cont.	Page
Filing fees in probate matters	271
Indigent defendant counsel; fees	274, 282
Injunctions and hearings; dwelling unfit for habitation	423
Judgment, renewal and cancellation	281
Jurors; fees; mileage	275
Juvenile commissioners; compensation	277
Prejudice of judge; affidavit	280
Reciprocal enforcement of support	158
Reporter; county court of increased juris.; appointment; duties	273
Suspension of certain sentences	155
Vacancy, absence, justice of peace or police magistrate	408
Workmen's compensation; appeals	626
Workmen's compensation; decision review	499
 CREAM—See Agriculture	
CREDITOR—See also Banks; Mortgages; Sales and Exchange	
CREDIT UNION—See also Corporations	
Loans; committee	119
 CRIMES AND PUNISHMENTS—See also Courts; Judicial Procedure; Judicial Proof	
Bail; extradition	283
Baseball; Sunday	154
Bee regulation violation	98
Cesspools, septic tanks, privies; regulations	240
Dairy products; unfair trade	490
Deaths to be reported to coroner	135
Drivers license	364
Erecting high structures; notice to aeronautics commission; misdemeanor	93
Fish regulations	225
Game and fish license violation	224
Garbage feeders; regulation	308
Grain elevator weighmaster; license	577
Hog cholera virus	306
Iceboxes, refrigerators; abandoned	151
Imitation ice cream; ice milk	219
Insurance companies; state business prohibition	261
Legislators; business with state	637
Marriage of negro and white; penalty repeal	157
Mistreatment of tubercular patients	255
Mobile homes; dealers	360
Motels; trailer courts; regulation	235
Motor vehicles; traffic regulations	319
Obscene materials	151
Overloaded trucks	397
Pardons, board of; meetings	156
Prohibition on liquor sales to Indians removed	109
Public officer's interest in contracts; exception	150
Refundable fuel tax; violations	567
Sales tax violations	540
School purchasing agents; commissions	197
Seed sales regulation; misdemeanor	95
Sentences, suspension of certain	155
Special Fuels Tax Act	561
State forester; deputies; power of arrest	215
State vehicles; markings	343
Support, uniform reciprocal enforcement of	158
Trading stamps; license	488

CRIMES AND PUNISHMENTS—Cont.	Page
Transient merchants	484
Truck registration; contractors	351
Vehicles; size and weight limits	400
Voting machines	208
Weed destruction; tax	615
CRIMINAL IDENTIFICATION BUREAU	
Appropriation	77
CRIPPLED CHILDREN—See Welfare; Education; Appropriations	
CRIMINAL PROCEDURE—See Judicial Procedure, Criminal	
CROP DUSTING—See Aeronautics Commission	
CROPS—See Agriculture	
DAIRY COMMISSIONER—See Agric.; Approp's, St. Dept's, Agric. Dept.	
DAIRY PRODUCTS—See also Agriculture	
Unfair trade practices	490
DAMS—See Game, Fish and Predators; Waters	
DEAF, SCHOOL FOR THE—See also Approp's, St. Inst'ns	
Sale of land; board of administration	519
DEALERS—See also Licenses; Sales and Exchange	
Alcoholic beverage; license and tax	104
Dairy products; unfair trade	490
Driveaway transport license	356
Imitation ice cream	219
Livestock	303
Mobile homes; licensing	360
Tobacco; license	104
DEATHS—See also Jud'c Proc., Probate; Trusts; Tax'n; Crimes; Motor Vehicles	
Coroner; duties; office; penalty	135
Penal inmates; burial	1
Workmen's compensation	626
DEBTS—See Mortgages; Banks; Sales and Exchange	
DEEDS	
Valid without address of grantee	87
DEER	
Game and fish license	224
DEFENDANT—See also Judicial Procedure; Crimes; Courts	
Indigent; attorney fees	274, 282
DELEGATES—See Convention, National	
DENTISTS	
Narcotics, use of	218
DEPARTMENT—See Approp's, St. Depts.; also alphabetical name	
DEPENDENT—See also Children; Welfare	
Unemployment compensation	493
DICKINSON STATE TEACHERS COLLEGE	
Appropriation	71

	Page
DIRECTORS —See Corporations	
DISCOUNTS	
Dairy products	490
DISEASES —See Livestock; Health; Veterinarian	
DISTRICT COURT —See Courts, District	
DIVORCE —See Domestic Relations	
DOCTORS —See Drugs; Health; Coroner	
DOMESTIC RELATIONS —See also Children	
Testimony of spouse; support action	287
Miscegenation; repeal	157
Parents; workmen's compensation	626
Reciprocal enforcement of support; uniform law	158
DRAINAGE	
Commissioners; appointment; powers; duties	582
Commissioners, water conservation; hearings; tax levy	580
Districts; creation; operation; projects by districts	582
Repeal chapter 61-21	582
DRILLING —See Mining, Gas and Oil; Liens	
DRIVEAWAY TRANSPORT —See Motor Vehicles	
DRIVERS —See Licenses; Motor Vehicles	
DRUGS —See also Foods, Drugs, Oils and Compounds	
Chiropractors use	218
Sale of narcotics	217
EASEMENT	
Highways; tax exempt	523
EDUCATION —See also Approp's, St. Dept's; School Districts	
Admission, nonresident pupils	179
Advisory council on special education	165
Ages of school children	194
Boiler inspection	635
Burlington project payments to school districts	192
Common school districts, clerks; compensation	182
Conduct of school elections on debt limit	196
Correspondence school; effective date laws; program	165
County high school tax levy and payments	190
County tax limit; exception	524
Determination of sums due county tuition funds and high school equalization funds	190
Dickinson school district; conveyance of land	163
Driver education; school districts	195
Education boards; joint meetings	165
Elementary per pupil payment	202
Emergency equalization fund	165
Equalization fund; high school tuition payments	189
Property evaluation training; resolution	685
Pupils; maintenance and transportation; levy	176
Pupils; transportation contracts	177
Purchasing agents; commissions, fees, or rewards	197
Reorganized school districts; proportionate tax rate	199
Reorganized school districts; publication costs	200
Reorganized school districts; transportation	198
Repeal; org'n state committee on reorganization	165
Repeal; organization state school construction fund board	165

EDUCATION—cont.	Page
School construction fund; limitations	174, 204
School libraries	178
Special education	165
State board of public school education; created; membership; powers; repeals	165
Superintendent of public instruction	
appropriation	22
equalization fund payments; levy limitations	190
executive director state board of public school education	165
safety committee	384
school bus equipment	388
warrants, school supplies; records, etc.	111
Tax exempt bond issue for buildings	201
Tax levy limitations in school districts	190
Teachers' contracts; renewal	194
Teachers' insurance and retirement fund	183
Teachers' scholarships; candidates	203
Ten mill levy for agricultural high schools	193
Tuition; high school students; nonresident pupils	181, 188
Vocational education; appropriation; administration	12, 165
Vocational rehabilitation; appropriation; administration	13, 165
Warrants, accounts and records	111
Williston school; constitutional amendment	641
ELECTIONS—See also Counties; Constitutional Amendments; Initiated Measures	
Officers; compensation	207
Poll hours	206
Precinct committeemen; candidates	213
Reorganized school district; publication costs	200
Reorganized school district; tax adjustment	200
School; conduct; debt limit	196
Voting machines	208
ELECTORS	
Presidential; appropriation	5
ELECTRIC COOPERATIVES—See Corporations	
ELECTRICIANS	
Licensing and regulation; board, members	458
Reciprocity with other states	467
ELLENDALE NORMAL AND INDUSTRIAL SCHOOL	
Appropriation	72
EMERGENCY COMMISSION—See Contingency Fund	
EMINENT DOMAIN—See also Const'l Amendments, Proposed	
Exercised under Urban Renewal Law	432
Right-of-way for drains	582
EMPLOYEE, EMPLOYER—See Ins., OASIS; Workmen's Comp.	
EMPLOYMENT SERVICE, STATE	
Director; member Indian affairs commission	521
ENCUMBRANCE—See Liens; Mortgages	
ENGINEER, SAFETY—See Workmen's Comp., Safety Engineer	
EQUALIZATION FUND—See also Education; Taxation; Welfare	
Appropriation	7
Board; assessed valuation defined	230
Correspondence study	8
Levy limitations; county tuition fund; county high school	190

EQUALIZATION FUND—Cont.	Page
School construction fund and board.....	9
School district reorganization board.....	9
Special education of exceptional children.....	10
Vocational education; rehabilitation.....	12, 13
ERRORS—See Corrections	
ESTATES—See Judicial Procedure, Probate; Property	
EVIDENCE—See Judicial Proof	
EXAMINER, STATE—See also Approp's, St. Depts., Budget	
Closed bank fund appropriation.....	29
Supervise public books, accounts, warrants.....	111
EXCHANGES—See Sales and Exchange	
EXCISE TAX—See Taxation	
EXECUTIVE MANSION—See Approp's, St. Inst'ns	
EXECUTOR—See Judicial Procedure, Probate	
EXPLOSIVES	
Vehicle equipment.....	388
EXPRESS TRUSTS—See Trusts	
EXTRADITION—See Bail	
EXTRATERRITORIAL—See Workmen's Compensation	
FAIRS	
Achievement day; club work; appropriation.....	1
Tax levy for county fair associations.....	94
FARM EQUIPMENT	
Added vehicle fee; exception.....	360
FARMING AND FARM PRODUCTS—See Agriculture; Resolutions; Taxation; Education	
FARM LOANS	
Board of University and School Lands; repeal.....	162
FENCES	
Removal along section lines.....	248
FINANCIAL RESPONSIBILITY	
Drivers licenses.....	364
FINES—See Crimes and Punishments	
FIRE—See also Insurance	
Insurance companies; reports.....	214
Prevention; state forester.....	215
Townships; protection; tax.....	573
Vehicles; traffic.....	319
FIRE AND TORNADO FUND	
Appropriation.....	31
FIRE MARSHAL	
Appropriation.....	21
Insurance companies; reports.....	214

FIREMEN'S ASSOCIATION —See Approp's, Misc.	Page
FIRE WARDENS —See Forests	
FISH —See Game, Fish, and Predators	
FLARES	
Trucks	388
FLOOD CONTROL —See Waters	
FOODS, DRUGS, OILS AND COMPOUNDS	
Imitation ice cream	219
Narcotics, professional use	218
Narcotics, sales by apothecaries	217
FORESTRY SCHOOL —See Bottineau School of Forestry	
FORESTS	
Fire prevention; state forester	215
FRANKLIN CATALOGUE —See also Printing	
Public printing; cost and price	470
FUEL	
Gasoline pump definition; license	623, 625
Refundable tax; one cent	567
Special Fuels Tax Act	561
Taxation; definition; repeal	555
Tax refund claims; assignment	572
Tax refund claims; invoices; destruction	560
FUGITIVES —See also Crimes	
Arrest; appropriations	3, 27
FUND —See fund concerned, alphabetically	
GAME, FISH, AND PREDATORS	
Appropriations: department; audit	32, 62
Commission management; legis. res. comm. study; resol'n	720
Fish regulations	225
Fishways at dams	228
Garrison Dam planting program	223
Heart Butte; land management	222
Licenses	224
GARAGES	
Accident reports	379
GARBAGE	
Feed; regulation	308
GARRISON	
Diversion conservancy district	606
Recreation areas; resolution	650
Reservoir; planting program	223
GAS AND OIL —See Mining, Gas, and Oil	
GASOLINE —See Fuel	
GENERAL ELECTIONS —See Elections	
GENERAL FUND —See Approp's, Transfers	
GEOLOGICAL SURVEY —See Approp's, St. Depts.	

GIFTS—See Taxation; Insurance, OASIS	Page
GOVERNMENT—See Counties; Municipalities; St. Gov't	
GOVERNMENTAL FINANCE	
Claims against township or county; state.....	231, 516
Destruction of documents evidencing debt.....	232
Municipal "assessed valuation".....	230
Municipal bonds for transport system.....	234
Taxing district and warrants.....	113, 114
GOVERNOR—See also Approp's, St. Depts., Budget	
Board of pardons; meetings.....	156
Executive mansion.....	68
Member state board public school education.....	165
Proclamation; fish regulations.....	225
Safety committee.....	384
Veterans adjusted compensation.....	314
GRAFTON STATE SCHOOL—See Approp's, St. Inst'ns	
GRAIN—See Agriculture; Pub. Service Commission	
GRAVEL	
Real estate conveyance; limitation.....	316
HABEAS CORPUS—See Bail	
HAIL INSURANCE—See Insurance	
HEALTH	
Cesspools, septic tanks, privies; regulation.....	240
County tuberculosis boards; created; powers.....	255
County zoning.....	143
Department; appropriation.....	36
Department; future unclaimed fees to general fund.....	84
Investigation of tubercular cases; board of health.....	255
Livestock board; poultry; meat; inspections.....	311
Motels and trailer court regulations.....	235
Narcotics, sale.....	217, 218
Quarantine of patients at state sanatorium.....	255
Transfer TB patients sanatorium, county and state inst'ns.....	254
HEART BUTTE—See Game, Fish and Predators	
HEIRS—See Taxation; Judicial Procedure, Probate	
HERD—See Livestock	
HIGH SCHOOLS—See Approp's; Educ.; Agric. High Schools	
HIGHER EDUCATION, STATE BOARD OF	
Appropriation.....	28
Conveyance of land to Dickinson school district.....	163
Joint meetings of education boards.....	174
Pledge of rentals at Mayville teachers college.....	164
Tax exempt bond issue.....	201
Teachers contracts; renewal.....	194
HIGHWAY DEPARTMENT—See also Motor Vehicles; Highways	
Accident records; reports.....	379
Appropriation; department; audit.....	37, 62
Drains along state highways.....	593
Drivers licenses.....	364
Overload impoundment; civil action.....	397

HIGHWAY DEPARTMENT—Cont.	Page
Reciprocity	349
Rules of the road	319
Secondary highway system; designation	243
Service of process; nonresidents	279
Speed zones	386
State safety committee	387
Vehicle length limitations	396
Vehicle registration fees; distribution	352, 354
Vehicle size and weight restrictions	244
Vehicles; markings	343
Weight and size limits; posted notices; resolution	717
 HIGHWAY PATROL—See also Motor Vehicles	
Appropriations: department; audit	39, 62
Drivers license examination	368
Retirement; disability; death	347
Rules of the road	319
Superintendent; powers; organization; radar evidence	344
Superintendent; speed zones; safety committee	384
Uniform traffic ticket	345
Vehicle markings	343
 HIGHWAYS—See also Motor Vehicles	
Addition of U. S. No. 2 to national system; resolution	703, 713
American Legion memorial; resolution	657
Anticipation certificates; retirement	570
Back sloping grades and ditches	245
Bond issue; constitutional amendment	643
Cattle guards on county and township roads	249
Cutting weeds along	621
Drains along right-of-way	593
Drains, culverts and bridges	594
Easement; tax exempt	523
Enforcement; vehicle size and weight laws	244, 396, 400
Expenditure of township road funds	246
Federal payment of military highways; resolution	674
Fences along section lines; removal	248
Grass; planted on grades and ditches	245
Property condemnation; constitutional amendment	640
Secondary system; designation	243
Section lines; obstruction	247
Service of process; nonresidents	279
Size and weight restrictions	244, 396, 400
Township five mill levy for roads	529
Traffic regulations	319
Vacating by commissioner; correction	90
Vehicle registration; reciprocity	349
Vehicle size and weight; posted notice; resolution	717
Violation of vehicle size, weight limits	244, 396, 400
Weed commission; tax	615
 HISTORICAL SOCIETY, STATE—See Approp's, St. Depts.	
HOGS—See Livestock	
HOLIDAYS	
Veterans Day, formerly Armistice Day	87
 HOMESTEAD—See also Judicial Procedure, Probate; Taxation	
Conveyance; insanity cases	474
Tax exemption; disabled veterans	522

	Page
INSANE—See Hospital, State	
INSANITY	
Homestead conveyance	474
INSPECTION—See also Public Service Commission; Laboratories Department; Highway Department; Attorney General	
Coal mines; appropriations	30, 62
Weight and measure devices; fee	623
INSTITUTIONS—See also particular Inst'ns; Approp's; St. Gov't	
Vehicles; markings	343
INSTRUCTION PERMIT	
Drivers	366
INSTRUMENTS	
Notary public; printed name	469
Transfer of uranium, coal, clay, gravel	316
INSURANCE—See also Appropriations; Agriculture; Fire Marshal	
Commissioner; appeal from orders	281
Commissioner; appropriation	20
Commissioner; approval certain policy forms	260
County mutual companies; restrictions	264
Fires; reports by companies	214
Fraternal benefit societies; classified; membership; repeal	262
Hail coverage available; crops covered; period	265
Hail insurance department; appropriations	34, 63
Hail insurance department; deficiency appropriation	35
Hail insurance indemnity; allowable	267
Hail indemnity taxes; districts; levy	268
Licensing certain foreign companies prohibited	261
Municipalities to carry liability insurance	404
OASIS	
actuarial study; appropriation	44
administration appropriation; audit appropriation	47, 63
appropriation; social security coverage	508
contributions; definitions	510
coverage of state and subdivision employees	500
definitions; wages; insured individual	511
policy	681
Standard fire insurance policy; exceptions	260
State bonding fund; default of employee; correction	91
Workmen's compensation; extraterritorial	626
INTERNATIONAL PEACE GARDEN	
License tag slogan	348
Parks committee; appropriation	40
INTERSTATE	
Transport of property; use tax exemption; repeal	558
INTERSTATE COMMERCE COMMISSION—See Resolutions; Public Service Commission	
INTERVENTION—See also Judicial Procedure	
Suits to enforce oil or gas drilling lien	295
INVESTMENT—See also Municipalities; Corporations; Trusts	
Limitation on state banking association investments	116
IRRIGATION—See Waters; Resolutions	

JUDGES—See also Courts; Judicial Procedure; Judicial Proof;	
Judicial Remedies; Motor Vehicles; Judicial Branch	Page
County; chairman, county tuberculosis board.....	255
County; salary	129
District courts; appropriation.....	19
Prejudice; affidavit	280
JUDGMENT—See Judicial Procedure, Civil	
JUDICIAL BRANCH OF GOVERNMENT—See also Courts;	
Judges; Jud. Procedure; Jud. Proof; Supreme Court	
Annual attorneys license fee; distribution.....	275
Clerk of county court of increased jurisdiction; compensation....	272
Counsel for indigent defendants; county court of increased	
jurisdiction; compensation.....	274
Counsel for indigent defendants; fee	282
Judicial districts; appointment additional judge.....	270
Jurors; fees; mileage.....	275
Juvenile court; commissioner, reporter; compensation.....	277
Reporter, county court of increased juris.; appointment; duties....	273
JUDICIAL PROCEDURE—See also Courts; Supreme Court;	
Judges; Motor Vehicles; Crimes and Punishments	
Civil	
appeals from order establishing drainage district	582
appeals from orders of county tuberculosis board	255
consolidation of suits to enforce lien; intervention	295
crop dusting; actions; limitations.....	278
enjoining collection of drainage assessments.....	582
foreclosure enjoined where mortgagor shows valid defense;	
correction.....	90
insurance commissioner; appeals.....	281
judgments; renewal and cancellation.....	281
liens; consolidation; intervention; injunction; oil and gas.....	295
prejudice of judge; affidavit.....	280
remedies of bondholders under Municipal Development Act....	430
service of process; nonresident highway users.....	279
Criminal	
bail, pending extradition.....	283
indigent defendants; counsel.....	274, 282
repair or vacating of dwellings unfit for habitation.....	449
uniform traffic ticket.....	344
Probate	
determination of net; terminable interest; \$20,000 deduction....	530
execution; homestead; insanity.....	474
files not to be destroyed.....	141
filing fees in probate matters.....	271
notice to foreign heirs.....	284
orders to mortgage.....	286
summary administration; small estates.....	285
survivorship; simultaneous death.....	289
trusts, restrictions	576
JUDICIAL PROOF	
Accident reports; records.....	379
Adverse party examination; before trial.....	288
Competency of spouse; support action.....	287
Husband and wife privilege; enforcement of support.....	158
Radar; admissible	344
Simultaneous death; survivorship.....	289
Transient merchants	484

JUDICIAL REMEDIES—See Jud. Procedure; Courts; Crimes	Page
JURAT—See Notary Public	
JURORS—See Judicial Branch of Government	
JUSTICE OF THE PEACE—See Jud. Branch; Jud. Procedure; Judges; Motor Vehicles; Municipalities	
JUVENILE COMMISSIONER—See also Courts; Jud. Procedure Drivers licenses; reports	364
KEROSENE—See Fuel	
LABORATORIES DEPARTMENT, STATE—See also Foods, Drugs, and Compounds	
Appropriation, general; audit	42, 62
Motels and trailer courts	235
LAKES—See Waters	
LAND CLASSIFICATION Program; appropriation	79
LANDS—See University and School Lands; Higher Education, Board of; Administration, Board of; Property	
LAWS—See also Resolutions; Initiated Measures; Corrections; Constitutional Amendments	
Appropriation; enforcement extraordinary expense	3
Distribution; uniform laws commission	471
LEASES—See also Rent	
Brokers registration; minerals, uranium	316
Federal areas; preference to owners	684
Release of mineral and oil lease	472
Uranium, gravel, coal, clay; specific language	316
LEGISLATIVE ASSEMBLY—See also Legislative Research Committee; Resolutions; Constitutional Amendments; Appropriations, St. Dept's, Budget; Initiated Measures	
Bills; compilation of record; resolution	670
Chambers; air conditioning and ventilation; resolution	678
Chambers; lighting; resolution	698
Chaplain service; resolutions	701, 712
Completion of miscellaneous work; resolution	672
Employees' additional per diem; expense allowance; resol'ns	43, 667
Employees; designation and salaries; resolution	675
Engineers' salaries; resolution	680
Gas refund system investigation; committee; resolution	713
Joint session, General Gruenther; resolution	671
Journals; completion; resolution	675
Laws for committee use; resolutions	700, 709
Members; business with state; approved measure	637
Memorial resolutions; Senate; House	722, 724, 727
Milk vending machine; resolution	656
Mill storage investigation; expense; resolution	687
Official photographer; resolutions	701, 711
Orientation program; resolution	664
Payment of funeral expense; Dr. Stucke; resolution	653
Pay of members; constitutional amendment; resolution	641
Penitentiary investigation; committee; expenses; resol'ns	711, 718
Sales tax bill; policy resolution	708
Senate election contest; 46th district; resolution	707
Senate election contest; ballots; safekeeping; resolution	706
Workmen's comp. investigation; interim comm. resol'n	653

LEGISLATIVE RESEARCH COMM.—See also Resolutions	Page
Appropriations; research; statutory revision.....	26, 44, 45
Corporation law revision; resolution.....	651
Estray law revision; resolution.....	697
Game commission study; resolution.....	720
Indian affairs subcommittee; resolution.....	689
Mental health study; resolution.....	659
Mill storage study; resolution.....	716
OASIS actuarial study; appropriation.....	44
Old age assistance; aid to dependent children study; resolution.....	647
Property evaluation course; agricultural college; resolution.....	685
Public service commission study; resolution.....	697
Ton mile tax study; resolution.....	658

LEVY—See Taxation

LIBRARY—See Approp's, St. Dept's, Budget; Munic'ties

LICENSES—See also Permits; Attorney General	
Alcoholic beverage dealers and distributors.....	104
Beekeepers.....	98
Building movers.....	355
Cesspools, septic tanks, privies.....	240
Coin-weighing machine; gasoline pump.....	625
Destroyed vehicles; fee credit.....	355
Driveaway transport.....	356
Drivers.....	364
Electricians.....	458
Fish regulations; sales.....	225
Game and fish.....	224
Garbage feeders.....	308
Grain elevator weighmasters.....	577
Ice milk; imitation ice cream.....	219
Marriage of negro and white; repeal.....	157
Mobile homes; dealers.....	360
Liquor sales to Indians; prohibition removed.....	109
Motels and trailer courts.....	235
Plates; "Peace Garden State".....	348
Special fuels dealer.....	561
Stallion license certificate repeal.....	303
Tobacco dealers and distributors.....	104
Trading stamps.....	488
Transient merchants.....	484

LIENS—See also Mortgages	
Advancement of funds to protect lien.....	117
Chattel mortgages; future advances; renewal and limitation.....	290, 291
Crop liens; abstract.....	292
Foreclosure enjoined where valid defense; correction.....	90
Housemover's.....	294
Income tax.....	539
Oil or gas well drilling; pipelines; procedure.....	295
Probate of small estates.....	285
Sales tax lien.....	540
Seed lien; procedure.....	293
Tax; limitation of actions.....	538
Unpaid drainage assessments.....	582
Weed destruction; cost.....	615

LIEUTENANT GOVERNOR—See Approp's, St. Dept's, Budget

LIGHTS—See Motor Vehicles

LIGNITE—See Coal

	Page
LIQUOR—See Alcoholic Beverages	
LIVESTOCK—See also Veterinarian	
Appropriation; dealers; public service commission.....	50
Brucellosis vaccination	305
Cattle guards on roads.....	249
Dealers; definition	303
Diseased animals; paratuberculosis; appraised value.....	307
Estray law revision; resolution.....	697
Garbage feeding	308
Hog cholera virus; penalty.....	306
Livestock district termination.....	304
Mining; discovery shaft.....	315
Overload limits	397
Poultry processing; meat inspection.....	311
Stallion registration repeal.....	303
LIVESTOCK SANITARY BOARD—See also Approp's, St. Dept's	
Brucellosis vaccination	305
Diseased animals; appraised value.....	307
Garbage feeders; license.....	308
Poultry processing; meat; inspections.....	311
LOANS	
Advancement of funds to protect lien.....	117
Credit unions; credit committee.....	119
Unfair trade; dairy products	490
LODE—See Mining, Gas, and Oil	
MAGISTRATES—See also Courts; Judges; Judicial Procedure	
Driving convictions; reports.....	379
MANDAN TRAINING SCHOOL—See Approp's, St. Inst'ns	
MANUFACTURER—See Dealers	
MARRIAGE—See Domestic Relations	
MAYVILLE STATE TEACHERS COLLEGE—See also Education	
Appropriation	72
Pledge of rentals.....	164
MEALS	
Official Expenses	516
MEASURES—See Pub. Serv'c Comm.; Initiated Measures	
MEAT—See Health; Livestock; Game, Fish and Predators	
MEMORIAL HALL	
Legislative dance; resolution.....	668
Sales by handicapped persons; resolution	679
MEMORIALS—See Resolutions; Counties; Legislative Assembly	
MERCHANTS—See Transient Merchants	
MILITARY	
Civil defense; appropriation; termination repeal.....	29
Coat of arms emblem committee; resolution.....	694
Korean bonus; proposed constitutional amendment	639
Motor storage buildings; transfer.....	312
National Guard	
appropriations: general; armories	26, 61
armory construction; bidders bond	312
vehicle length limitations.....	396
Soldiers home; supply bids.....	313
Veterans adjusted compensation.....	314

	Page
MILK—See Ice Cream; Agriculture	
MILL AND ELEVATOR, STATE	
Appropriations: general; audit	62, 75
Funds transfer to highways	83
MILL LEVY—See Taxation	
MINERALS—See Mining, Gas and Oil	
MINES—See Coal; Taxation; Mining; Property	
MINING, GAS AND OIL—See also Property; Taxation	
Claims; location; discovery shaft	315
Deed recorded without regard to taxes	134
Highway rights, oil and gas not part of; correction	90
Mineral brokers; oil, gas, uranium	316
Mineral rights; conveyance; limitation	316
Mineral rights privilege tax; repeal	572
Municipal gas transmission system; joint operation	401
Natural gas; flaring waste; denial of foreign import; resol'ns	655, 696
Release, termination, forfeiture of leases	472
Taxation; cost depletion; lignite	535
Well drilling lien	295
MINORS—See Children	
MINOT STATE TEACHERS COLLEGE	
Appropriation	72
MISSOURI RIVER BASIN PROJECT	
Garrison Diversion Conservancy District	606
MOBILE HOMES—See Trailer Courts	
MORTGAGES	
Advancement of funds to protect liens	117
Chattel: future advance; lien; renewal and limitation	290, 291
Correction; foreclosure enjoined where valid defense	91
Homestead; insanity	474
Probate of small estates	285
Probate; order for mortgage	286
Valid without post office address of grantee	87
MOTHERS—See also Domestic Relations; Welfare	
Unmarried; welfare aid	483
MOTOR COURT—See Trailer Courts	
MOTORCYCLES—See also Motor Vehicles	
Registration fee	352
Traffic regulation	319
MOTOR FUEL TAX—See Taxation	
MOTOR VEHICLE REGISTRAR—See also Motor Vehicles	
Appropriation; general; audit	46, 62
MOTOR VEHICLES—See also Crimes; Resolutions; Highways	
Accident reports; records	379
Added vehicle fee; farm equipment exception	360
Building movers license; tax exemption	355
Destroyed vehicles; fee credits	355
Driveaway transport; registration	356

	Page
MOTOR VEHICLES—Cont.	
Driver education	195
Driver license	364
Equipment	388
Highway patrol	344
Highway patrolmen's retirement	347
Impounding overloaded vehicles	397
Length limits	396
Local multi-lane traffic	379
Mobile homes; licensing	360
Municipal traffic code	384
Nonresident vehicle registration	358
"Peace Garden State" plate slogan	348
Radar evidence	344
Registration exemptions; reciprocity	349
Registration fees; ton fees; bus tax	352
Rules of the road	319
Safety committee	384
Service of process; nonresidents	279
Speed zones and limits	384
State safety committee	384
State vehicles; markings	343
Truck registration; state contractors	351
Uniform traffic ticket	344
Violation of size and weight limits; penalty	400
MOUNTRAIL COUNTY	
Indian affairs commission	521
MOVER—See Buildings	
MOVING PICTURE OPERATOR—See Theaters	
MUNICIPALITIES	
Accident reports; records	379
Advertising levy; ½ mill	526
Appeals from police magistrate or village justice courts	409
Assessed valuation defined	230
Assessments for water and sewer connections; warrants thereon; contingent liability	411
Bond issue for transport system or utility	234
Building material preference	477
Buildings; construction or improvement; architect	476
Correction; sale of property for delinquent special assessments	90
County zoning	148
Curb and gutter construction; special fund; levy for payment	415
Destruction of bonds, documents	232
Drains in drainage districts; costs; constr'n petition	582
Dwelling unfit for habitation; repair or vacating	432
Elections; polling hours	206
Employees pension funds; investment	421
Foreign municipalities; powers	403
Insurance, liability; authorization	404
Invest surpluses in bonds	233
Joint exercise of powers	514
Joint operation gas transmission lines	401
Levy for band purposes	419
Levy for deficiencies in special improvement funds	410
Levy for library purposes	420
Liability for sidewalk construction; special fund; levy	414
Meetings, board of city commissioners	407
Motels and trailer courts; regulations	235

	Page
OASIS—See Insurance, OASIS	
OBSCENE MATERIAL—See Crimes and Punishments	
OCCUPATIONS AND PROFESSIONS—See also Attorneys; Dealers; Physicians	
Electricians; licensing and regulation	458
Electricians; reciprocity with other states	467
Nurses; scholarships; appropriation	461
Optometry; board; compensation; duties, licensing	465
OFFICES AND OFFICERS—See also Counties; Municipalities; State Government	
Claims against township or county; against state	231, 516
Coroner, county; office and duties	135
County judge, chairman county tuberculosis board	255
Delinquent taxes; salary deduction	529
Election; compensation	207
Notary Public: residence repeal; printed name	468, 469
OASIS coverage	500
Sheriff's mileage	133
State vehicles; markings	343
Township offices; vacancies; appointment	575
Warrants; public books and accounts	111
OIL—See Mining, Gas and Oil	
OLD AGE AND SURVIVOR INSURANCE—See Insurance, OASIS	
OLD AGE ASSISTANCE—See Welfare	
OMNIBUS BILL—See Appropriations, State Departments, Budget	
OPERATORS LICENSE—See Licenses	
OPTOMETRY, STATE BOARD OF	
Members; compensation; duties; licensing	465
OVERLOADS—See Motor Vehicles; Highways	
PARATUBERCULOSIS—See Livestock	
PARDONS—See also Approp's, St. Dept's, Budget	
Board; meetings	156
PARENTS—See Domestic Relations; Children	
PARKING—See Motor Vehicles	
PARKS—See also Munic'ties; Counties	
Board commissioners; compensation	423
Committee; appropriation	40
Districts; invest surpluses in bonds	233
Districts; joint exercise of powers	514
Validation; acquisition, abandonment, discontinuance former county lands for park purposes	88
PAROLE OFFICER—See Approp's, St. Inst'ns, Pen.	
PAYROLL	
Unemployment compensation	493
PEACE GARDEN—See International Peace Garden	
PEACE OFFICER—See Crimes; Offices and Officers; Motor Vehicles; Highway Patrol; Arrests	

	Page
PEDESTRIANS—	
Traffic regulations	319
PENALTIES—See Crimes and Punishments	
PENITENTIARY—See also Resolutions	
Appropriations: burial inmates; general.....	1, 76
Appropriations: tag and sign, coffin factory; twine plant.....	78
Building construction balance transfer to general fund.....	76
PENSIONS	
City employees, pension funds; investment.....	422
Policemen's pension funds; investment.....	421
Widows and orphans; World War II and Korea; resolution.....	659
PERMITS—See also Licenses	
Bee transportation.....	98
County zoning.....	143
Drivers	364
Sales tax; retailer.....	540
Vehicle lengths; limits.....	396
PERPETUITIES—See Trusts	
PERSONAL PROPERTY—See Property, Personal	
PHARMACIST—See Drugs	
PHYSICIAN—See Drugs	
PIGS—See Livestock	
PIPELINES—See also Public Service Commission	
Construction lien.....	295
Joint operation by municipalities.....	401
PLAT	
Vacating Capitol Park.....	478
PLATES—See Licenses, plates	
PLUMBERS	
Cesspools, septic tanks, privies.....	240
POLICE—See Crimes; Highway Patrol; Courts; Jud. Procedure	
POLITICAL SUBDIVISIONS—See Municipalities; Counties;	
Townships; state agency concerned	
POLLS—See Elections	
POTATOES—See Agriculture	
POULTRY	
Dealer; defined	303
Improvement board; appropriation.....	48
Processing; veterinary inspection.....	311
PRECINCTS—See Elections	
PREDATORS—See Game, Fish, and Predators	
PREMIUMS—See Stamps, Trading	
PRIMARY ELECTIONS—See Elections	
PRINTING	
Appropriation; state printer.....	26
Public printing; cost and price.....	470
State laws; distribution.....	471

	Page
PRIVIES—See Health	
PROBATE—See Judicial Procedure, Probate	
PROCEDURE—See Judicial Procedure	
PROCESS—See Service of Process; Notice	
PROJECTIONIST—See Theaters	
PROPERTY—See also Liens; Jud. Procedure; Tax'n; Mortgages; Leases	
Advancement of funds to protect lien.....	117
Assessed valuation defined.....	230
Condemnation; proposed constitutional amendment.....	640
Correction; foreclosure enjoined; valid defense.....	91
Correction; sale for delinquent special assessments.....	92
Correction; vacating highways by commissioner.....	90
County commissioners; powers.....	133
County zoning.....	143
Court files not to be destroyed.....	141
Instruments recorded without regard to taxes.....	134
Personal	
chattel mortgages; future advances.....	290
chattel mortgages; renewal and limitations.....	291
use tax; exemption; repeal.....	556, 558
Probate of small estates.....	285
Public officer's interest in contract; exception.....	150
Real	
brokers; oil, gas, minerals, uranium.....	316
coal, uranium, clay, gravel.....	316
highway easement tax exempt.....	523
homestead; conveyance.....	474
mineral and oil leases; release.....	472
Reciprocal Enforcement of Support Act.....	158
Religious and charitable association.....	121
Reports of fire insurance companies.....	214
Restrictions on express trusts.....	576
Suits to enforce lien; intervention.....	295
Survivorship in simultaneous death.....	289
Taxation; reorganized school district.....	199
Validation; instruments without proper address.....	87
Validation; transfer to cities of county lands for park purposes.....	88
Weeds; cutting.....	615, 621
PUBLIC BUILDINGS—See also Munic'ties; Counties; Educ'n	
Architect; bids.....	476
Contractors bond; tax payment.....	475
Local material preference; bids, repeal.....	477
Vacating Capitol Park plat.....	478
PUBLIC HEALTH—See Health	
PUBLIC INSTRUCTION—See Education	
PUBLIC OFFICER—See Offices and Officers; Municipalities	
PUBLIC SERVICE COMMISSION	
Appropriations: general; auto transp'n; livestock dealers.....	23, 49, 50
Fees; inspection weight and measures devices.....	623
Foreign municipalities; power lines operation.....	403
Gasoline pump; definition.....	623
Grain elevator weighmaster.....	577
Joint municipal gas transmission systems; regulation.....	401

	Page
PUBLIC SERVICE COMMISSION—Cont.	
Legis. res. comm. studies; resol'ns.....	697, 716
Livestock dealers	303
Municipal purchase of utility.....	234
Railroad employees; shelter and sanitation	481
Safety committee	384
PUBLIC UTILITIES—See Public Service Commission	
PUBLIC WELFARE—See Welfare	
PUMP, GASOLINE—See Public Service Commission	
PUNISHMENT—See Crimes and Punishments	
PUPILS—See Education	
PUREBRED—See Livestock	
RADAR— See Highway Patrol; Judicial Proof	
RAILROADS—See also Pub. Serv. Comm.; Motor Vehicles	
Drains along right-of-way.....	582
Noxious weeds	615
Signal approach	319
Use tax	556
Warning devices; lamps or reflectors; resolution	660
Weights and measures department; fees	623
RANGERS, FOREST—See Forests	
REAL ESTATE—See Mortgages; Property	
REAL PROPERTY—See Property, Real	
RECIPROCITY—See Motor Vehicles, Registration; Electricians	
RECKLESS DRIVING—See Motor Vehicles; Licenses	
RECLAMATION—See Waters; Soil Conservation	
RECORD—See Register of Deeds; Courts, District	
REFERRED MEASURE	
Form on voting machines.....	208
REFRIGERATOR—See Negligence	
REFUNDS—See also Approp's, Misc.	
Benson county and state of North Dakota; resolution	669
Fuel tax claims, invoices; destruction.....	560
REGISTER OF DEEDS—See also Record; Lien	
Abstract of crop liens.....	292
Housemovers lien.....	294
Instruments recorded without regard to taxes	134
Release of mineral and oil lease.....	472
Salary	129
Seed lien; procedure	293
Validation; deeds, mortgages without address of grantee.....	87
REGISTRAR—See Motor Vehicle Registrar	
REGISTRATION—See Motor Vehicles; Register of Deeds	
REGULATION—See Licenses; Permits; Counties; Municipalities	

REMEDIES—See also Judicial Procedure	Page
Bond holders under Municipal Industrial Development Act	423
Municipal prop. under Urban Renewal Law execution exempt ..	432
RENT	
Motor vehicle; driver license.....	364
REORGANIZED SCHOOL DISTRICT—See Educ'n; School Dists.	
REPEALS	
Table of amendments and repeals.....	733
REPRESENTATIVE—See Legislative Assembly	
RESEARCH FOUNDATION—See Approp's, State Depts.	
RESOLUTIONS	
House	
Bank of North Dakota; redeposits	719
Chaplain service.....	712
Gas tax refund system; investigation.....	713
Laws for committee use.....	709
Legislative research committee	
game commission study.....	720
mill storage.....	716
Memorials	
deceased members	726
Dick, Lawrence.....	725
Schmidt, Matt M.	725
Stucke, Edmund C.	724
Memorials to Congress; officials	
interstate highways; U. S. No. 2.....	713
Official photographer.....	711
Penitentiary investigation	711
Penitentiary investigation; expense.....	718
Public hearings; A. C. controversy.....	710
Seed department employees.....	718
"Slow down and live" campaign.....	721
Vehicle size and weight notices.....	717
House concurrent	
Bills; compiled record.....	670
Completion of legislative journals.....	675
Employment; to finish legislative work	672
General Gruenther address.....	671
Handicapped persons; sale in Memorial Hall	679
Joint school for the blind; policy.....	691
Korean bonus; constitutional amendment	639
Legislative chambers: lighting; ventilation	678, 698
Legislative dance.....	668
Legislative employees; extra expense allowance	667
Legislative employees salaries.....	675
Legislative engineers salaries.....	680
Legislative pay.....	641
Legislative research committee	
property evaluation course; agricultural college	685
public service commission study.....	697
revision of estray laws.....	697
subcommittee on Indian affairs	689
Legislators expenses; extra \$5.00.....	666
Legislators orientation program	664
March of Dimes commendation	665
Memorials to Congress; federal officials	
courts of Indian offenses	679

RESOLUTIONS—Cont.	Page
House concurrent—Memorials, etc.—Cont.	
easing import restrictions on Selkirk wheat.....	699
expense of Indian jurisdiction.....	669
federal payment for military highway.....	674
importation of natural gas.....	696
lease preference adjacent federal land.....	684
Little Missouri water supply compact.....	683
manufacturing near Indian reservations.....	695
Northwest Airlines service to Hawaii.....	690
opposing repeal of long and short haul clause.....	687
parity for products of family type farms.....	682
Red River Valley flood control.....	673
soil conservation assistance; transfer to states.....	686
Mill storage investigation expenses.....	687
OASIS conversion to social security.....	681
Property condemnation; constitutional amendment.....	640
Property evaluation training.....	685
Sanish bridge; Four Bears memorial.....	667
State coat of arms.....	694
Williston school.....	641
Senate	
Chaplain service.....	701
Election; recount committee.....	707
Election; safekeeping ballots.....	706
Laws for committee use.....	700
Memorial to deceased members.....	722
Memorials to Congress; federal officials	
grain belt run sampling.....	702
interstate highways; U. S. No. 2.....	703
Official photographer.....	701
Sales tax passage; intent.....	708
Senate concurrent	
American Legion memorial highway.....	657
Flaring natural gas.....	655
Funeral expense; Sen. Stucke.....	653
Garrison recreation areas.....	650
Highway bond issue; constitutional amendment.....	643
ICC investigate train warnings.....	660
Indian jurisdiction; constitutional amendment.....	644
Joint school for the blind.....	654
Judge Christianson project.....	656
Legislative research committee	
corporation law revision.....	651
mental health.....	659
ton mile tax.....	658
welfare study.....	647
Memorials to Congress; federal officials	
agricultural pilot rating.....	662
durum wheat acreage controls.....	652
hard spring wheat acreage allotments.....	661
resell surplus lands; Heart Butte and Garrison.....	648
veterans hospitals.....	649
veterans widows and orphans pension.....	659
Milk vending machine.....	656
Supreme court reports; constitutional amendment.....	643
Workmen's compensation; investigation.....	653

RESOURCES—See Mining, Gas and Oil; Natural Resources

RESTRAINTS ON ALIENATION—See Trusts

	Page
RETAIL—See Sales and Exchange	
RETAIL SALES TAX—See Taxation, Sales Tax	
RETIREMENT—See Insurance, OASIS; Pensions; Highway Patrol; Municipalities	
RETURNS—See Taxation; Elections	
RICHLAND COUNTY REFUND—See Approp's, Misc.	
RIGHT-OF-WAY—See also Highways; Motor Vehicles County commissioners powers	133
RIPARIAN—See Waters	
RIVERDALE—See also Garrison; Waters Industrial commission; planning agency	517
RIVERS—See Waters	
ROADS—See Highways	
ROYALTY—See Mining, Gas and Oil	
SAFETY—See Health; Motor Vehicles; Workmen's Comp.	
SALARY—See also Appropriations Deduction; delinquent taxes	529
Legislative members; constitutional amendment	641
SALES AND EXCHANGE—See also Property; Tax'n; Liens Alcoholic beverages, tobacco; license and tax	104
Alcoholic beverages to Indians; repeal	109
Commission; school agent; penalty	197
Correction; vacated highway lands	90
Dairy products; unfair trade	490
Deaf school land	519
Fish	225
Gasoline pump; definition; measure	623
Homestead; insanity	474
Imitation ice cream	219
Livestock, poultry, wool dealer; defined	303
Narcotics, by druggists	217
Obscene materials	151
Potato development commission; powers	96
Refundable fuel tax; one cent	567
Regulation of seed sales agreements	95
Retail sales tax	540
Retail tax; food exempt; measure disapproved	646
Retail tax; use for highways; measure disapproved	646
Trading stamps; license	488
Transient merchants	484
Uranium, clay, gravel, coal	316
Uranium, mineral brokers	316
SAN HAVEN SANATORIUM—See Tuberculosis, sanatorium	
SANITARY BOARD—See Livestock Sanitary Board	
SCALE Coin-weighing; gas pump	625
SCHOLARSHIPS Nurses	461
Teaching; candidates	8, 172, 203

	Page
SCHOOL BUS —See also Bus; Motor Vehicles	
Special lighting and warning.....	388
Stopping; regulation	319
SCHOOL CONSTRUCTION —See also Approp's, Schools	
Fund; limitation; board.....	174, 204
SCHOOL DISTRICTS —See also Education; Taxation	
Admission, nonresident pupils	179
Assessed valuation defined	230
Building fund ten mill levy.....	527
Clerks, compensation in common districts	182
Contracts, transportation pupils.....	177
County tuition fund payments.....	202
Elections on debt limit.....	196
Equalization fund; high school tuition payments	189
Equalization fund payments; levy limitation	190
Fire protection; county; tax.....	573
Invest surpluses in bonds.....	233
Joint driver training.....	195
Joint exercise of powers.....	514
Levy; transportation or maintenance pupils	176
Reorganized; organization of state committee, repealed; state board of public school education	165
Reorganized; proportionate tax rate	199
Reorganized; publication costs.....	200
Reorganized; transportation.....	198
School construction fund limits	174, 204
School libraries; expenditures.....	178
Teachers contracts; renewal.....	194
Teachers insurance and retirement fund.....	183
Tuition: nonresident pupils; high school students	181, 188
Tuition payments; equalization fund.....	189
Warrants; form	111
SCHOOL FOR THE BLIND —See Blind; Resolutions; Administration, Board of	
SCHOOL FOR THE DEAF —See Deaf, School for the; Administration, Board of	
SCHOOL LANDS —See University and School Lands	
SCHOOL OF FORESTRY —See Bottineau, School of Forestry	
SCHOOLS —See Education; Appropriations	
SECRETARY OF STATE —See also Corporations; Resolutions	
Appropriation	19
Notice to foreign heirs	284
SECURITIES COMMISSIONER, STATE —See also Approp's, State Depts.	
Brokers; oil, gas, uranium, minerals.....	316
SECURITY —See Insurance, OASIS	
SEED —See also Agriculture	
Department: appropriation; budget	25, 53
Department employees; resolution.....	718
Liens; procedure	293
Sales agreements; regulation.....	95
SENATOR —See Legislative Assembly	

	Page
STATE GOV'T—See also Offices and Officers; Approp's	
Board of administration; deaf school land sale.....	519
Building material preference.....	477
Census, state; postponed.....	520
Claims against the state.....	516
Fiscal administration; warrants.....	111
Indian affairs commission; members.....	521
Industrial commission; Riverdale; appropriation.....	517
Joint exercise of power.....	514
Vehicles; registration.....	349
STATE'S ATTORNEY—See also Crimes and Punishments	
Assist drainage board.....	582
Deaths; coroners office; duties.....	135
Petition for uniform reciprocal enforcement of support.....	158
Salary.....	129
Unfair trade practice; dairy products.....	490
STATUTE REVISION—See Legislative Research Committee; Corrections	
STEELE COUNTY REFUND—See Approp's, Misc.	
STOCK—See Corporations; Livestock	
STREAMS—See Waters	
SUBCONTRACTOR—See also Bldgs.; Contractor; Liens; Licenses	
Well drilling or pipeline lien.....	295
SUMMONS—See also Judicial Procedure	
Traffic.....	344
SUNDAY	
Baseball; exception to Sabbath-breaking.....	154
SUPERINTENDENT OF PUBLIC INSTRUCTION—See Education	
SUPERINTENDENT OF SCHOOLS, COUNTY—See also Educa- tion; Counties	
Salary.....	129
Teaching scholarships; candidates.....	203
SUPPORT—See Domestic Relations	
SUPREME COURT—See also Courts; Judicial Procedure	
Appropriation.....	18
Board of pardons; meetings.....	156
Decisions; publication; constitutional amendment.....	643
SURETY	
Contractors bond; tax payment.....	475
SWINE—See Livestock	
TAXATION—See also Licenses; Permits; Jud. Procedure, Probate	
Alcoholic beverage dealers and distributors.....	104
Appropriation; commissioner.....	24
Assessment and levy in municipalities for curbing and gutters....	415
Assessment for municipal sidewalks; special fund, levy.....	413, 414
Assessment of costs of construction of drains.....	582
Bonds issued under Munic. Indus. Development Act exempt.....	423
Bus; seat tax.....	352
Collection of drainage district assessments.....	582
Constitutional amendment; disapproved; graduated land tax...	646

TAXATION—cont.	Page
Contractors bonds; payment provision.....	475
Correction; sale of property for delinquent special assessment.....	91
County fairs; additional $\frac{1}{4}$ mill levy.....	94
County levy for memorials.....	142
County tax levy limit; 20 mills.....	524
Cutting weeds along township roads; cost.....	621
Deduct delinquent taxes from salary, claim.....	529
Definition of assessed valuation.....	230
Definition of fuel in processing; repeal.....	555
Destroyed vehicles; tax credit.....	355
Determination of net estate; terminable interest \$20,000 deduction.....	530
Drainage assessments on lands foreclosed for taxes.....	582
Equalization fund; county tuition fund; high school levy limits.....	190
Exempt bond issue; colleges.....	201
Exemption; building movers.....	355
Exemption; cigarettes, soldiers home.....	532
Exemption; homestead, disabled veteran.....	522
Exemption; inundated and highway easement lands.....	523
Failure to make return; action limitation.....	538
Filing fees in county court to determine estate taxes.....	271
Fuel tax refund; assignment.....	572
Fuel tax refund claims, invoices; destruction.....	560
Fuel tax; retire anticipation certificates.....	570
Garrison diversion conservancy district.....	606
Gift deductions.....	537
Income; clarification.....	533
Income; lien.....	539
Income; lignite; depletion deduction.....	535
Initiated measure disapproved; one cent gas tax.....	646
Instruments recorded without regard to taxes.....	134
Investments in government bonds.....	233
Levy by municipalities for deficiency in special improvement funds.....	410
Levy for administrative expenses of county drainage board.....	582
Levy for advertising; $\frac{1}{2}$ mill.....	526
Levy for band purposes in municipalities.....	419
Levy for building fund of agricultural high schools.....	193
Levy for clean out of drains.....	582
Levy for deficiency on drain bonds.....	582
Levy for library purposes by county or municipalities.....	420
Levy for payment of warrants on sewer and water connections assessment fund.....	411
Levy for retirement of bonds issued under Municipal Industrial Development Act prohibited.....	423
Levy, school district; transportation or maintenance.....	176
Mineral rights privilege tax; repeal.....	572
Munic. Indus. Development Act; leased or acquired premises.....	423
Refundable fuel tax; one cent.....	567
Reorganized school districts.....	199
Sales tax.....	540
School district building fund levy.....	527
Special Fuels Tax Act.....	561
Taxing districts; warrants; definition.....	111
Ton mile tax study; resolution.....	658
Township fire protection.....	573
Township five mill levy; roads.....	529
Truck-ton fee.....	352
Urban Renewal Law; property of municipality exempt.....	432

TAXATION—cont.	Page
Use tax amendments	556
Use tax exemption; interstate; repeal	558
Use tax; return and payment times	559
Validation; special assessments; improvement districts	89
Vehicle fee, added; farm equipment exception	360
Vehicle registration	352
Water conservation district; 3 mill county levy	580
Weed commission	615
TAXIS—See Motor Vehicles	
TEACHERS—See Education; Scholarships; Approp's, Schools	
THEATERS	
Boiler inspection	635
Licensing projectionists; removed	458
TON-MILE TAX—See Taxation; Resolutions	
TORNADO—See Fire and Tornado Fund	
TOWNS—See Municipalities	
TOWNSHIPS—See also Taxation; Offices and Officers; Highways	
Annual or special meetings; closing	574
Brucellosis vaccination	305
Cattle guards on township roads	249
Claims against; procedure	231
County zoning	143
Drains along township roads	582
Expenditure of road funds	246
Fences along section lines; removal	248
Fire protection; contract; tax	573
Five mill levy; roads	529
Invest surpluses in bonds	233
Joint exercise of powers	514
Meetings; closing	574
Roads, ditches and grades to be back sloped	245
Section lines; obstruction	247
Supervisor; exception to personal interest in contract	150
Vacancies in offices	575
Weeds; cutting along highways	621
TRADE—See Sales and Exchange	
TRADING STAMPS—See Stamps, Trading	
TRAFFIC—See Motor Vehicles	
TRAILER COURTS	
Mobile homes; dealers; license	360
Regulation	235
TRAINING SCHOOL, STATE—See Approp's, St. Inst'n's	
TRAINS—See Railroads; Public Service Commission	
TRANSIENT MERCHANTS	
Regulations; licensing	484
TRANSPORTATION—See Public Service Commission; Motor Vehicles; Education	
TREASURER, COUNTY	
Claims against county or township	231
Salary	129

TREASURER STATE—See also Approp's, St. Dept's, Budget	Page
License fee; cesspools, etc.....	240
Licensing alcoholic bev. and tobacco dealers and distributors....	104
Livestock; district termination.....	304
TRUCKS—See also Motor Vehicles; Pub. Serv. Comm.; Highways	
Building movers; tax exemption.....	355
Equipment	388
Length; limitations	396
Overload impoundment; civil action	397
Registration, ton fees.....	352
Rules of the road.....	319
Size, weight limit violations; penalty.....	400
State contractors; registration.....	351
Weights and measures department; fees	623
TRUSTS—See also Judicial Procedure, Probate	
Chattel mortgages; renewal and limitations.....	291
Corporate trustee investment of funds; commingling.....	118
Restrictions on purpose of express trusts	576
Simultaneous death provision.....	289
Taxation; terminable interest; deduction	530
TUBERCULOSIS	
Livestock	307
Sanatorium; appropriation.....	81
compulsory care, treatment and isolation of TB persons.....	255
transfer of patients from county and state institutions	254
unexpended balance to general fund.....	85
UNEMPLOYMENT COMPENSATION—See Workmen's Compensation	
UNFAIR TRADE—See also Sales and Exchange	
Dairy products	490
UNIFORM LAWS	
Copies of state law to national conference on uniformity.....	471
Reciprocal enforcement of support.....	158
Motor vehicle laws.....	319, 364, 379, 388
Simultaneous Death Act amendments	289
UNIFORM TRAFFIC TICKET—See Motor Vehicles	
UNIVERSITY AND SCHOOL LANDS	
Commissioner; appropriation	24
Investment in farm loans; repeal.....	162
Sale of nongrant school lands.....	162
UNIVERSITY OF NORTH DAKOTA—See also Higher Education; Education; Approp's, St. Inst'ns	
Armory appropriation	61
Tax exempt bond issue.....	201
URANIUM—See also Mining, Oil and Gas; Taxation	
Brokers	316
Conveyance; limitation	316
USE TAX—See Taxation	
VACATING PLAT	
Capitol Park	478
VACCINE—See Health; Livestock	

	Page
VALIDATION	
Agreements for improvement districts.....	89
Deeds, mortgages, and assignments of mortgages without address of grantee.....	87
Municipalities acquiring, discontinuing, or abandoning lands for park purposes.....	88
VALLEY CITY STATE TEACHERS COLLEGE	
Appropriation	72
Bond issue, tax exempt.....	201
VEHICLES—See Motor Vehicles	
VETERANS	
Adjusted compensation	314
Affairs commissioner; appropriation.....	56
Aid commission; appropriation.....	57
Bonus; Korea	639
Day; holiday	87
Disabled; homestead tax exemption.....	522
Widows and orphans pension; resolution.....	659
VETERINARIAN—See also Livestock	
Appropriation; medical examiner.....	57
Brucellosis vaccination	305
Garbage; feed regulation.....	308
Hog cholera virus.....	306
Narcotics, use of.....	218
Poultry processing plants.....	311
VILLAGES—See Municipalities; Taxation	
VOCATIONAL EDUCATION—See Education; Approp's, Schools	
VOCATIONAL REHABILITATION—See Education; Approp's, Schools	
VOTING—See Elections	
WAGES	
OASIS definition	511
WAHPETON SCHOOL OF SCIENCE—See Approp's, St. Inst'n's	
WAREHOUSING AND DEPOSITS—See Pub. Serv. Comm.	
WARRANTS	
Destruction	232
Forms, use, procedure.....	111
WATERS—See also Drainage	
Conservation and flood control districts; hearings; tax levy.....	580
Conservation; appropriations.....	58, 59
Flood control in Red River Valley; resolution.....	673
Garrison diversion conservancy district.....	606
Irrigation district; weed commissioner; tax.....	615
Little Missouri water supply compact; resolution.....	683
Public; owners reciprocal rights.....	579
WEEDS—See Counties	
WEIGHMASTER, ELEVATOR—See Pub. Serv. Comm.	
WEIGHTS AND MEASURES—See Pub. Serv. Comm.	

