

L A W S

PASSED AT

The Thirty-First 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, 1949, AND
CONCLUDING FRIDAY, MARCH FOURTH, 1949



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AUTHENTICATION

STATE OF NORTH DAKOTA

Department of State, Bismarck

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies, except clerical errors, of the original enrolled bills and resolutions passed at the Thirty-first Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 4, 1949, and terminating Friday, March 4, 1949, also the Constitutional Amendments, Initiated and Referred Measures submitted at the primary election held June 29, 1948, and the general election held November 2, 1948.

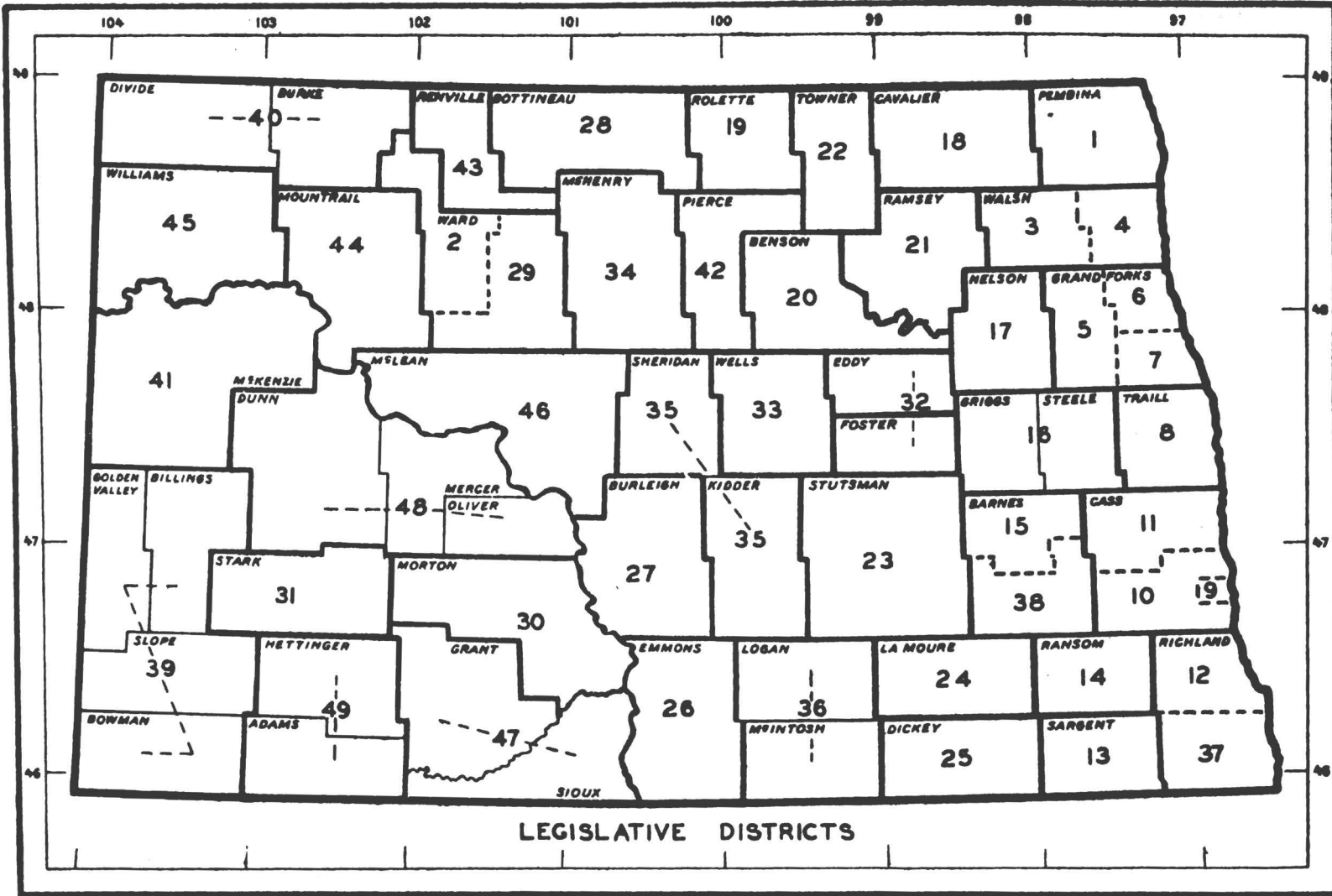
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this first day of July, 1949.

(SEAL)

THOMAS HALL,
Secretary of State.

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Secretary of State
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NORTH DAKOTA



LEGISLATIVE DISTRICTS

MEMBERS
of the
THIRTY-FIRST LEGISLATIVE ASSEMBLY
STATE OF NORTH DAKOTA
January 4, 1949 to March 4, 1949

SENATE

President—Lt. Gov. C. P. Dahl, Jessie, N. D.

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

Dist.	County	Name	Address
1.	Pembina	Franklin Page	Hamilton
*2.	Pt. Ward	Walter Troxel	Berthold
3.	Pt. Walsh	Harry O'Brien	Park River
*4.	Pt. Walsh	Rilie R. Morgan	Grafton
5.	Pt. Grand Forks	Oliver Bilden	Northwood
*6.	Pt. Grand Forks	Carroll Day	Grand Forks
7.	Pt. Grand Forks	J. B. Bridston	Grand Forks
*8.	Traill	C. Norman Brunsdale	Mayville
9.	Pt. Cass	W. H. Shure	Fargo
*10.	Pt. Cass	Kenneth K. Pyle	West Fargo
11.	Pt. Cass	Joseph Spiekermeier	Sheldon
*12.	Pt. Richland	Wm. J. Braun	Wahpeton
13.	Sargent	Oscar Wahlund	Cogswell
*14.	Ransom	J. L. Flatt	Sheldon
15.	Pt. Barnes	P. L. Foss	Valley City
*16.	Griggs-Steele	Steven C. Nelson	Finley
17.	Nelson	Arnold Biorlie	Pekin
*18.	Cavalier	Hugh J. Work	Langdon
19.	Rolette	John Coghlan	Rolla
*20.	Benson	Orris G. Nordhousen	Leeds
21.	Ramsey	Clyde Duffy	Devils Lake
*22.	Towner	E. B. Lichty	Cando
23.	Stutsman	G. I. Feton	Jamestown
*24.	LaMoure	A. J. Sandness	LaMoure
25.	Dickey	Alfred Welander	Fullerton
*26.	Emmons	E. H. Brant	Linton
27.	Burleigh	Milton Rue	Bismarck
*28.	Bottineau	**Duncan Fraser	Omamee
29.	Pt. Ward	Walter Blume	Glenburn
*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	Edward Leno	Tuttle
*36.	McIntosh-Logan	W. H. Mehlhaff	Wishek
37.	Pt. Richland	Joseph A. Reinke	Hankinson
*38.	Pt. Barnes	Melvin Olson	Nome
39.	Billings, Bowman, Golden Valley & Slope	Emil Strand	Fryburg
*40.	Burke-Divide	R. H. Lynch	Fortuna
41.	McKenzie	Hjalmer Nelson	Watford City
*42.	Pierce	Wm. H. Tuff	Barton

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

*Hold-over senators.

**Succeeded William H. Thatcher, deceased.

HOUSE OF REPRESENTATIVES

Speaker—Hon. Palmer Levin, Park River, N. D.

Chief Clerk—George Olson, Bismarck, N. D.

1. Pembina	Alex Dalzell	Walhalla
	F. M. Einarson	Mountain
	John Halcrow	Bowesmont
2. Pt. Ward	Bernard Larsen	Kenmare
	Palmer Levin	Park River
3. Pt. Walsh	M. T. Lillehaugen	Brocket
	Wilfred Collette	Grafton
4. Pt. Walsh	Clinton E. Walster	Larimore
5. Pt. Grand Forks	George H. Saumur	Grand Forks
6. Pt. Grand Forks	A. M. Allen	Thompson
8. Traill	H. W. McInnes	Kelso
	Oscar Sorlie, Jr.	Buxton
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	C. T. Yirchott	Fargo
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11. Pt. Cass	Arthur E. Laske	Leonard
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13. Sargent	G. A. Klefstad	Forman
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	Peter Moe	Osnabrock
	Dan Power	Langdon
19. Rolette	John Stormon	Rolla
	Oscar Solberg	Myla

HOUSE MEMBERS

V

Dist.	County	Name	Address
20.	Benson	C. H. Hofstrand	Leeds
		John Leier	Esmond
21.	Ramsey	Louis Leet	Webster
		Frithjof Skaar	Hampden
		Harry Stormon	Devils Lake
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		E. J. Langley	Rock Lake
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		C. D. Drawz	Jamestown
		H. M. Ekren	Kensal
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		Roy A. Holand	LaMoure
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		F. J. Graham	Ellendale
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		Arlan Stair	Newburg
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		Brynhild Haugland	Minot
		Roy Larson	Minot
		W. M. Smart	Minot
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		C. G. (Gus) Fristad	Mandan
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		E. D. Culver	Dickinson
		Leo Sticka	New England
32.	Eddy-Foster	A. C. Langseth	Carrington
		C. A. Anderson	Carrington
33.	Wells	Ervin Haedt	Cathay
		Aug. Wahl	Fessenden
34.	McHenry	Theodore Monson	Bergen
		George Hammer	Velva
		John Zurcher	Towner
35.	Kidder-Sheridan	Gottlieb Frank	Kief
		Fred G. Helm	Denhoff
36.	McIntosh-Logan	Samuel R. Rudolf	Wishek
		T. E. Schuler	Streeter
		Ben J. Wolf	Zeeland
37.	Pt. Richland	Ray Thompson	Walcott
		Chas. Wollitz	Lidgerwood
38.	Pt. Barnes	Joseph Stevens	Valley City
39.	Billings, Bowman, Golden Valley, Slope	Otto Schade	Bowman
		Albert Homelvig	Amidon
		Roy Snow	Beach
40.	Burke-Divide	Frank Lindberg	Lostwood
		Ralph Dewing	Columbus
		Ivan Erickson	Crosby
41.	McKenzie	Arthur A. Link	Alexander
		Halvor Rolfsrud	Watford City

Dist.	County	Name	Address
42.	Pierce	Andrew Benson	Barton
		Joe Gumeringer	Esmond
43.	Renville	Victor C. Bryans	Carpio
44.	Mountrail	J. N. Mollet	Powers Lake
		Albert Moerke	Van Hook
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		Lloyd Esterby	Appam
		S. R. Siverson	Wheelock
46.	McLean	A. A. Bentz	Turtle Lake
		Weldon Haugen	Roseglen
		Richard J. Thompson	Underwood
47.	Grant-Sioux	James J. Maher	Morristown, S. D.
		Fred Seibel	Elgin
48.	Mercer, Oliver and Dunn	Edwin G. Sailer	Stanton
		Walter Bubel	Center
		Ernest R. Hafner	Beulah
49.	Adams-Hettinger	Elmer Hegge	New England
		George Schwartz	Mott

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THE LAWS

APPROPRIATIONS

CHAPTER 1

House Bill No. 72
(Committee on Appropriations)

WOLF, COYOTE, FOX, BOBCAT AND MAGPIE BOUNTY

AN ACT

Making an appropriation for the purpose of paying a bounty on wolves, coyotes, foxes, bobcats and magpies.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$200,000.00, or so much thereof as may be necessary for the purpose of paying the bounty on wolves, coyotes, foxes and bobcats as provided in Chapter 20-13 of the North Dakota Revised Code of 1943, as amended by Chapter 183 of the 1945 Session Laws and magpies as provided in Chapter 20-14 of the North Dakota Revised Code of 1943, as amended by Chapter 186 of the 1945 Session Laws.

Approved February 21, 1949.

CHAPTER 2

Senate Bill No. 67
(Committee on Appropriations)

BOYS' AND GIRLS' CLUB WORK—COUNTY FAIRS

AN ACT

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

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

SECTION 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.

SECTION 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 March 7, 1949.

CHAPTER 3

House Bill No. 54
 (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.

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

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

SECTION 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, 1949, and ending June 30, 1951, to-wit:

SECTION 3. APPROPRIATIONS.)

Subdivision 1.

EXECUTIVE OFFICE

Salary — Governor	\$ 12,000.00
Clerkhire	
Secretary & Other Employees.....	19,200.00
Postage, Supplies, Printing	
Furniture and Fixtures.....	2,500.00
Miscellaneous	2,000.00

Travel Expense	2,600.00
Governor's Contingent	3,800.00
Council of State Governments.....	4,000.00
Great Lakes—St. Lawrence Deep Waterway Project	500.00
Total	\$ 46,600.00

Subdivision 2.

LIEUTENANT GOVERNOR

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

Subdivision 3.

SUPREME COURT

Salary — 5 Judges of Supreme Court.....	\$ 65,000.00
Clerk of Supreme Court.....	7,000.00
Judges Stenographer Secretaries	21,600.00
Miscellaneous	1,000.00
Postage, Supplies, Printing, Furniture & Fixtures.....	2,500.00
Travel Expense	500.00
Total	\$ 97,600.00

Subdivision 4.

SUPREME COURT REPORTER AND LAW LIBRARIAN

Salary	\$ 6,000.00
Postage, Supplies, Printing, Furniture & Fixtures	500.00
Miscellaneous	250.00
Purchase of Books, Law Reviews, etc.....	4,500.00
Publishing North Dakota Reports	4,900.00
Total	\$ 16,150.00

Subdivision 5.

JUDGES OF DISTRICT COURTS

Salary, 15 Judges	\$150,000.00
Expenses	15,000.00
Retirement of District Judges	8,000.00
Total	\$173,000.00

Subdivision 6a.

SECRETARY OF STATE

Salary — Secretary of State.....	\$ 6,600.00
Salary — Deputy	8,000.00
Clerkhire	22,000.00
Postage, Supplies, Printing, Furniture & Fixtures	10,000.00
Legislative Assistance to become available immediately on passage.....	600.00
Miscellaneous	1,500.00
Travel Expense	700.00
Register of Deeds Recording Fees.....	400.00
Total	\$ 49,800.00

Subdivision 6b.

SECRETARY OF STATE—PUBLIC PRINTING

Legal Notices	\$ 500.00
1949 Session Laws	8,753.20
Vote Tabulation Form	1,000.00
Postage Publicity Pamphlet	6,000.00
Binding Public Documents	2,100.00
Publicity Pamphlet	14,886.00
Publishing Copies of Constitution.....	3,000.00
Printing Corporation Laws, Supplements and Notary Public Printing	2,150.00
Total	\$ 38,389.20

Subdivision 7.

STATE AUDITOR

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

Subdivision 8.

STATE TREASURER

Salary — State Treasurer.....	\$ 6,600.00
Salary — Deputy	8,000.00
Clerkhire	58,500.00
Supplies, Postage, Printing, Furniture & Fixtures	8,000.00

Miscellaneous	3,400.00
Travel Expense	3,000.00
Liquor Stamps	16,000.00
Total	\$103,500.00

Subdivision 9a.

COMMISSIONER OF INSURANCE

Salary — Commissioner	\$ 6,600.00
Salary — Deputy	8,000.00
Salary — Actuary	12,000.00
Clerkhire	37,000.00
Postage, Supplies, Printing, Furniture and Fixtures	16,000.00
Miscellaneous	1,500.00
Investigation of Unauthorized Companies.....	1,500.00
Travel Expense	4,500.00
Domestic Examiners	12,000.00
Convention Examiners	27,000.00
Total	\$126,100.00

Subdivision 9b.

STATE FIRE MARSHAL
(COMMISSIONER OF INSURANCE)

Salary — Deputy Fire Marshals.....	\$ 16,000.00
Clerkhire	7,000.00
Postage, Supplies, Printing, Furniture and Fixtures	1,200.00
Miscellaneous	700.00
Travel Expense	7,000.00
Fees to Fire Chiefs.....	700.00
Arson Hearing Fund.....	500.00
Total	\$ 33,100.00

Subdivision 10.

ATTORNEY GENERAL

Salary — Attorney General.....	\$ 10,000.00
Salary — Assistant Attorneys General.....	52,000.00
Clerkhire	18,000.00
Postage, Supplies, Printing, Furniture and Fixtures	4,000.00
Miscellaneous	1,800.00
Travel Expense	2,500.00
Library	2,000.00
Miscellaneous Court Cases	5,000.00
Total	\$ 95,500.00

Subdivision 11a.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary — Superintendent.....	\$ 6,600.00
Salary — Deputy.....	8,000.00
Clerkhire	75,000.00
Commodity Man	4,800.00
Travel Expense	10,800.00
Postage, Supplies, Printing, Furniture, Fixtures & Freight.....	40,000.00
Courses of Study & Bulletin No. 5.....	14,000.00
High School & Eighth Grade Examinations....	17,500.00
Teachers' Meetings	3,500.00
Correcting Papers	1,500.00
Miscellaneous	3,000.00
Total	\$184,700.00

Subdivision 11b.

DEPARTMENT OF PUBLIC INSTRUCTION
COUNTY AGRICULTURAL SCHOOLS—STATE AID

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

Subdivision 12a.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary — Commissioner	\$ 6,600.00
Salary — Deputy (Labor).....	8,000.00
Salary — Deputy (Dairy).....	8,000.00
Clerkhire	108,000.00
Postage, Supplies, Printing, Furniture & Fixtures	31,745.00
Miscellaneous	3,430.00
Travel Expense	40,000.00
Hearings	1,300.00
Auto Exchange	1,200.00
Old Age and Survivors Insurance	1,326.00
Total	\$209,601.00

DEPARTMENT OF AGRICULTURE AND LABOR
PREDATORY ANIMALS CONTROL

Predatory Animals Control	\$ 35,000.00
Total	\$ 35,000.00

Subdivision 12c.

DEPARTMENT OF AGRICULTURE AND LABOR
RUST CONTROL

Barberry Eradication	\$ 10,000.00
Total	\$ 10,000.00

Subdivision 13a.

PUBLIC SERVICE COMMISSION

Salary — Commissioners (3)	\$ 19,800.00
Clerkhire	109,100.00
Postage, Supplies, Printing, Furniture and Fixtures	7,500.00
Miscellaneous	2,000.00
Travel Expense	9,000.00
Workmen's Compensation	200.00
Handling Interstate Commerce Commission Cases	14,000.00
Cases before Federal Power Commission & Federal Communications Commission.....	5,000.00
National Association of Railroad and Utilities Commissioners	1,400.00
Research Data	600.00
Total	\$168,600.00

Subdivision 13b.

PUBLIC SERVICE COMMISSION
ELEVATOR DEPARTMENT

Clerkhire	\$ 18,040.00
Postage, Supplies, Printing, Furniture & Fixtures	2,000.00
Miscellaneous	450.00
Travel Expense & Car Exchange.....	2,500.00
Workmen's Compensation	15.00
Total	\$ 23,005.00

Subdivision 13c.

PUBLIC SERVICE COMMISSION
DEPARTMENT OF WEIGHTS AND MEASURES

Clerkhire	\$ 46,000.00
Postage, Supplies, Printing, Furniture and Fixtures	2,500.00
Miscellaneous	2,000.00

Travel Expense	21,000.00
License Plates, Scales, etc.....	2,500.00
Field Testing Equipment.....	1,250.00
Refunds	125.00
Workmen's Compensation	165.00
Trucks and Maintenance.....	6,000.00

Total\$ 81,540.00

Subdivision 13d.

PUBLIC SERVICE COMMISSION
UTILITY VALUATION

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

Subdivision 14.

AERONAUTICS COMMISSION

Salary — Director.....	\$ 9,000.00
Commissioners' Per Diem & Clerkhire.....	12,760.00
Travel Expense	6,000.00
Supplies, Postage and Sign Fixtures.....	3,000.00
Fixed Charges, Maintenance & Miscellaneous	6,500.00
Air Marking	5,000.00

Total\$ 42,260.00

Subdivision 15.

LAND COMMISSIONER

Salary — Commissioner	\$ 9,600.00
Salary — Deputy.....	8,000.00
Clerkhire	60,000.00
Postage, Supplies, Printing, Furniture and Fixtures.....	9,000.00
Miscellaneous	800.00
Travel Expense	20,000.00
Leasing	3,000.00
Premium on Bonds	800.00
Surveying Islands	1,000.00
Fieldmen's Salary	29,400.00

Total\$141,600.00

Subdivision 16.

TAX COMMISSIONER

Salary — Tax Commissioner.....	\$ 9,600.00
Salary — Deputy.....	8,400.00

Clerkhire—includes Office Force	
Deputies & Field Auditors.....	290,000.00
Postage, Supplies, Printing,	
Furniture and Fixtures	75,000.00
Miscellaneous	10,000.00
Travel Expense—Field Auditors.....	40,000.00
Revenue Stamps	27,000.00
Tax Litigation	1,000.00
Travel Expense—Department General.....	3,000.00
New Car	2,500.00
	<hr/>
Total	\$466,500.00

Subdivision 17.

BOARD OF ADMINISTRATION

Salary — Chairman and Members.....	\$ 25,200.00
Other Employees	235,000.00
Capitol Maintenance	117,648.00
Postage, Supplies, Printing,	
Furniture and Fixtures.....	5,000.00
Improvements and Repairs	7,600.00
Miscellaneous	13,200.00
Travel Expense	4,000.00
Equipment — Yard.....	3,000.00
Painting Capitol Building.....	25,000.00
Sidewalk to Monument.....	750.00
Sidewalk — Memorial Building.....	1,250.00
	<hr/>
Total	\$437,648.00

Subdivision 18.

STATE SEED DEPARTMENT

Seed Analyst	\$ 7,500.00
Assistant Seed Analysts	14,000.00
Travel Expense	1,000.00
Postage, Supplies, Printing,	
Furniture and Fixtures	2,000.00
Miscellaneous	500.00
	<hr/>
Total	\$ 25,000.00

Subdivision 19.

STATE INDUSTRIAL COMMISSION

Salary — Secretary	\$ 840.00
Postage, Supplies and Printing	250.00
Miscellaneous	100.00

Cost of Issuing and Selling Veterans' Adjusted Compensation Bonds	25,000.00
Total	\$ 26,190.00

Subdivision 20.

STATE LIBRARY COMMISSION

Salary — Secretary and Director	\$ 7,200.00
Clerkhire	36,000.00
Postage, Supplies, Printing, Furniture and Fixtures	5,000.00
Miscellaneous	800.00
Travel Expense	1,500.00
Aid to Libraries	500.00
Books, Binding and Repair	12,000.00
Total	\$ 63,000.00

Subdivision 21.

STATE PRINTER

Salary — State Printer	\$ 8,000.00
Clerkhire	3,900.00
Postage, Supplies, Printing, Furniture and Fixtures	575.00
Travel Expense	300.00
Miscellaneous	150.00
Total	\$ 12,925.00

Subdivision 22a.

ADJUTANT GENERAL

Salary — Adjutant General	\$ 8,000.00
Salary — Assistant Adjutant General	8,000.00
Clerkhire	15,400.00
Postage, Supplies, Printing, Furniture and Fixtures	2,000.00
Miscellaneous	500.00
Emergency for Disaster Relief to become Available upon passage and approval of this act	10,000.00
Death indemnity payment to Sarah Burger Jones for death of Major Donald C. Jones killed while serving with North Dakota National Guard, February 19, 1949	7,500.00
Travel Expense	300.00
Total	\$ 51,700.00

Subdivision 22b.

NATIONAL GUARD

Maintenance of the National Guard	\$166,060.00
Total	\$166,060.00

Subdivision 23.

LEGISLATIVE RESEARCH COMMITTEE

Legislative Research	\$ 40,000.00
Total	\$ 40,000.00

Subdivision 24.

32ND LEGISLATIVE ASSEMBLY

Mileage and Per Diem — Members	\$ 60,000.00
Per Diem — Employees	50,000.00
Printing	45,000.00
Miscellaneous	9,000.00
Expense — Members	100,000.00
Total	\$264,000.00

Subdivision 25.

PARDON BOARD

Salary — Secretary	\$ 600.00
Salary — Members and Expense	1,100.00
Investigations	1,000.00
Total	\$ 2,700.00

Subdivision 26.

STATE BUDGET BOARD

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

Subdivision 27.

STATE BUDGET DIRECTOR

Salary — Budget Director and Clerkhire	\$ 16,000.00
Travel and Maintenance Expense	3,000.00
Office Equipment	500.00
Miscellaneous	500.00
Technical Advice	10,000.00
Total	\$ 30,000.00

Subdivision 28.

REWARD FOR APPREHENSION OF CRIMINALS

Reward for the Apprehension of Criminals...\$ 1,000.00

Total\$ 1,000.00

Subdivision 29a.

STATE EXAMINER

Salary — State Examiner\$ 10,000.00

Clerkhire 144,500.00

Postage, Supplies, Printing,
Furniture and Fixtures 5,000.00

Miscellaneous 2,000.00

Travel Expense 35,000.00

State Banking Board, Section 6-0103, North
Dakota Revised Code of 1943 500.00

State Credit Union Board, Section 9, Chapter
143, Session Laws of 1945 500.00

Total\$197,500.00

Subdivision 29b.

STATE SECURITIES COMMISSION

Salary — Secretary\$ 1,200.00

Clerkhire 2,400.00

Postage, Supplies, Printing,
Furniture and Fixtures 1,250.00

Miscellaneous 500.00

Travel Expense 1,000.00

Investigations 500.00

Total\$ 6,850.00

Subdivision 30.

STATE BOARD OF HIGHER EDUCATION

Salary — Commissioner\$ 15,000.00

Salary — Auditor 7,200.00

Other Employees 18,000.00

Postage, Supplies, Printing,
Furniture and Fixtures 1,800.00

Miscellaneous 1,480.00

Travel Expense 2,500.00

Members — Per Diem 5,000.00

Members — Travel 6,000.00

Total\$ 56,980.00

Subdivision 31.

VOCATIONAL EDUCATION

Vocational Education\$ 1,500.00

Total\$ 1,500.00

Subdivision 32.

VOCATIONAL REHABILITATION

Vocational Rehabilitation of Disabled

Persons. This appropriation will be
matched with Federal funds on a 50-50
basis and does not include Administra-
tion costs\$ 95,000.00

Total\$ 95,000.00

Grand Total\$3,759,798.20

SECTION 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.

Approved March 12, 1949.

CHAPTER 4

Senate Bill No. 68
(Committee on Appropriations)

BURIAL PENAL INMATES, SOLDIERS AND SAILORS
HEADSTONES, RELEASE INSANE, NEW
TAXABLE LAND LIST

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$500.00, or so much thereof as may be necessary

to pay for the inquest and burial of inmates of penal institutions, erection of headstones for soldiers and sailors, action to release insane patients and list of new taxable lands, for the biennium beginning July 1, 1949, and ending June 30, 1951; provided that any charges against the above appropriation must have the approval of the State Auditor and the State Auditing Board.

Approved March 7, 1949.

CHAPTER 5

Senate Bill No. 72
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$3,000.00, or so much thereof as may be necessary, to the North Dakota Firemen's Association, for use in promoting regional fire schools, and other activities of such association, as provided for in Sections 18-0302 to 18-0309, inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1949, and ending June 30, 1951.

Approved March 7, 1949.

CHAPTER 6

Senate Bill No. 66
(Committee on Appropriations)

ARREST AND RETURN OF FUGITIVES FROM JUSTICE

AN ACT

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

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

SECTION 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, 1949, and ending June 30, 1951.

Approved March 7, 1949.

CHAPTER 7

Senate Bill No. 242
(Delayed Bills Committee)

THIRTY-FIRST LEGISLATIVE ASSEMBLY, EXPENSES

AN ACT

Making an additional appropriation for expenses of the thirty-first legislative assembly, and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of nine thousand three hundred dollars, in addition to amounts already appropriated, for expenses of the thirty-first legislative assembly as follows, to-wit:

Legislative janitor service, board of administration	\$ 2,100.00
Services of engineer, electric voting machine board of administration	200.00
Legislative employees	7,000.00
Total	<u>\$ 9,300 00</u>

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

Approved March 4, 1949.

CHAPTER 8

HOUSE BILL NO. 83
(Committee on Appropriations)

OLEOMARGARINE STAMPS

AN ACT

Making an appropriation for the purpose of paying for oleomargarine stamps, and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$1,500.00, or so much thereof as may be necessary for the purpose of paying for oleomargarine stamps as provided for under Section 19-0509 of the North Dakota Revised Code of 1943, said appropriation to expire June 30, 1949.

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

Approved February 8, 1949.

CHAPTER 9

House Bill No. 74
(Committee on Appropriations)

PENSION FOR MINOR CHILDREN OF JOHN E. CRITES

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$264.00 and \$132.00, or so much thereof as may be necessary for paying a pension to Dennis Duane Crites and Patricia Crites, minor children of John E. Crites, in accor-

dance with Sections 37-1101 to 37-1104, inclusive, of the North Dakota Revised Code of 1943, and for the reason that Private John E. Crites of the North Dakota national guard, died from a gunshot wound accidentally received while in the performance of his duties as a national guardsman, during the month of June, 1935, said appropriation to cover pension of eleven dollars (\$11.00) per month for the biennium beginning July 1, 1949, and ending June 30, 1951.

Approved February 15, 1949.

CHAPTER 10

House Bill No. 210
(McInnes, Wambheim and Sorlie)

PENSION NATIONAL GUARDSMAN NENNOR A. NELSON, JR.

AN ACT

Making an appropriation for a pension for National Guardsman Nennor A. Nelson, Jr., and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of eighteen hundred dollars, or so much thereof as may be necessary, to be applied in paying a pension to Nennor A. Nelson, Jr., in accordance with the provisions of Chapter 37-11 of the North Dakota Revised Code of 1943, to cover rehabilitation, on a monthly basis, as soon as arrangements can be made therefor. This appropriation is made for the reason that the said Nennor A. Nelson, Jr., while participating in field training with the North Dakota National Guard in June, 1948, at Camp Grafton, was struck by a car and incurred the loss of one leg and sustained other injuries.

SECTION 2.) Such payment shall be made to the said Nennor A. Nelson, Jr., on a monthly basis and the state auditor shall issue warrants therefor upon vouchers duly certified by the adjutant general of the state.

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1949.

CHAPTER 11

Senate Bill No. 59
(Committee on Appropriations)

MISCELLANEOUS REFUNDS

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$7,000.00, for the biennium beginning July 1, 1949, and ending June 30, 1951, 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 March 7, 1949.

CHAPTER 12

House Bill No. 85
(Committee on Appropriations)

SUPERINTENDENT OF PUBLIC INSTRUCTION
EMERGENCY FUND PER PUPIL AND TEACHER UNIT;
DEFICIENCIES

AN ACT

Making an appropriation to the Superintendent of Public Instruction out of the State Equalization Fund to meet deficiencies in the Emergency Fund, Per Pupil and Teacher Unit, for the biennium ending June 30, 1949; and declaring an emergency

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the state equalization fund in the state treasury, the sum of \$1,300,000.00, or so much thereof as may be necessary to meet

deficiencies in the emergency fund, Per Pupil and Teacher Unit Divisions in the Superintendent of Public Instruction's budget, for the biennium ending June 30, 1949.

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

Approved March 9, 1949.

CHAPTER 13

House Bill No. 57
(Committee on Appropriations)

STATE EQUALIZATION FUND

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the state equalization fund, not otherwise appropriated, the sum of \$23,200.00 for administrative expenses and the sum of \$11,145,000.00 for state aid of the state equalization fund, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

STATE EQUALIZATION FUND -- ADMINISTRATION

Salary — Director	\$ 8,000.00
Clerkhire	12,000.00
Postage, Supplies, Printing, Furniture and Fixtures	2,200.00
Travel Expense	1,000.00
Total	\$ 23,200.00

STATE EQUALIZATION FUND -- STATE AID

Emergency	\$ 650,000.00
Resident, Non-Resident, and Out-of-State High School Tuition	5,050,000.00
Resident Elementary Aid	5,300,000.00
Vocational Agriculture	50,000.00

Vocational Home Economics	68,000.00
Occupational Information and Guidance..	15,000.00
Business Education	12,000.00
Total	\$11,145,000.00

Approved March 12, 1949.

CHAPTER 14

House Bill No. 80
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the state equalization fund in the state treasury, the sum of \$190,000.00, 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, 1949, and ending June 30, 1951.

Approved March 9, 1949.

CHAPTER 15

Senate Bill No. 51
(Committee on Appropriations)

BOARD OF SCHOOL DISTRICT REORGANIZATION

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the state equalization fund in the state treasury, not otherwise appropriated, the sum of \$26,600.00, or so much thereof as may be necessary for the maintenance and operation of the board of school district reorganization, as provided for in Chapter 147, Session Laws of 1947, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salary, Director	\$ 8,400.00
State Committees	5,000.00
Clerkhire	4,800.00
Travel Expense	2,000.00
Supplies and Telephone	1,500.00
Furniture and Fixtures	1,000.00
Postage	1,000.00
Printing	2,500.00
Miscellaneous, Matching of Social Security....	400.00
Total	\$ 26,600.00

Approved March 12, 1949.

CHAPTER 16

House Bill No. 341
(Stair and Johnson)
(Delayed Bills Committee)

PREDATORY ANIMAL CONTROL

AN ACT

Making an appropriation in the sum of \$10,000.00 to the Department of Agriculture and Labor of the State of North Dakota, to be expended for predatory animal control; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, to the Department of Agriculture and Labor of the State of North Dakota, for the payment of a deficiency in the fund for predatory animal control, the sum of Ten Thousand Dollars (\$10,000) or so much thereof as may be necessary to pay the deficiency now existing in said fund.

SECTION 2. EMERGENCY.) This Act is hereby declared to

be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved February 15, 1949.

CHAPTER 17

House Bill No. 56
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the attorney general license fund in the state treasury, the sum of \$95,213.00, 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, 1949, and ending June 30, 1951, to-wit:

Clerkhire and inspectors	\$ 58,480.00
Postage, supplies, printing, furniture and fixtures	4,500.00
Travel expense	22,000.00
Miscellaneous	1,540.00
Hearing expense	6,500.00
North Dakota O. A. S. I. S.	2,193.00
Total	<u>\$95,213.00</u>

And each employee of such department shall receive such salary as may be fixed by the attorney general within the appropriation made herein.

Approved March 8, 1949.

CHAPTER 18

Senate Bill No. 110
(Morgan)

ATTORNEY GENERAL
DEFICIENCY

AN ACT

Making an appropriation in the sum of six hundred dollars (\$600.00) for the payment of a deficiency for postage, supplies, printing, furniture and fixtures, in the office of the Attorney General, and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the office of the attorney general for the payment of a deficiency for postage, supplies, printing, furniture and fixtures, or so much thereof as may be necessary to pay such deficiency now existing in such fund, the sum of six hundred dollars (\$600.00) for the biennium ending June 30, 1949.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 7, 1949.

CHAPTER 19

House Bill No. 55
(Committee on Appropriations)

GASOLINE TAX DIVISION — STATE AUDITOR

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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the motor vehicle fuel taxes collected under section 57-4106

of the North Dakota Revised Code of 1943, not otherwise appropriated, the sum of \$146,000.00, or so much thereof as may be necessary, to be set aside in the state treasury, for the purpose of defraying the expenses of the maintenance and operation of the gasoline tax division in the office of the state auditor, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Clerkhire	\$ 96,000.00
Postage, supplies, printing, furniture and fixtures	15,000.00
Travel expense	18,000.00
Miscellaneous	2,000.00
Emergency	15,000.00
	<hr/>
Total	\$146,000.00

Approved March 8, 1949.

CHAPTER 20

Senate Bill No. 240
(Delayed Bills Committee)

VETERANS ADJUSTED COMPENSATION PAYMENT
ADMINISTRATION EXPENSES, STATE AUDITOR

AN ACT

Making an appropriation for administrative expenses of the State Auditor in connection with the payment of adjusted compensation to North Dakota Veterans of World War II as provided in Senate Bill Number 2 of the thirty-first Legislative Assembly of the State of North Dakota; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, not otherwise appropriated, the sum of \$10,000.00, or so much thereof as may be necessary for administrative expenses of the state auditor in connection with the payment of adjusted compensation to North Dakota veterans of World War II as provided in Senate Bill Number 2 of the thirty-first legislative assembly of the state of North Dakota, for the period ending June 30, 1951.

SECTION 2. EMERGENCY.) This act is hereby declared to be

an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 8, 1949.

CHAPTER 21

House Bill No. 79
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the moneys in the state bonding fund in the state treasury, the sum of \$20,500.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary, manager	\$ 3,600.00
Salaries	7,920.00
Postage, supplies, printing, furniture and fixtures	3,100.00
Miscellaneous	800.00
Investigations and travel	2,500.00
Premium refunds	400.00
Emergency	500.00
Transfer to general fund for assistant attorney general's salary	1,680.00
Total	\$ 20,500.00

Approved March 10, 1949.

CHAPTER 22

Senate Bill No. 56
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$23,950.00, or so much thereof as is necessary to pay salary, clerkhire, per diem and general expenses of the coal mine inspector and for coal mine safety work as provided for in Chapters 38-03 and 38-04 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salary, inspector	\$ 8,400.00
Clerkhire	4,200.00
Postage, supplies, printing, furniture and fixtures	2,200.00
Miscellaneous	400.00
Travel and auto expense	2,500.00
Examining board	350.00
Auditing board	300.00
Coal mine safety fund, services	2,000.00
Coal mine safety fund, expenses	3,000.00
Extraordinary expenses, back pay, salary	600.00
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Total	\$ 23,950.00

Approved March 12, 1949.

CHAPTER 23

House Bill No. 62
(Committee on Appropriations)

STATE EXAMINER—CLOSED BANK FUND

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the Closed Bank Fund in the State Treasury, the sum of \$4,000.00, or so much thereof as may be necessary to carry out the provisions of Chapter 6-07 of the 1947 Supplement to the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1949, and ending June 30, 1951.

Approved February 26, 1949.

CHAPTER 24

Senate Bill No. 57
(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 to be used as provided by Sections 54-1601 to 54-1604, inclusive, and 54-1606, and also Section 54-1609 of the North Dakota Revised Code of 1943.

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

SECTION 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 and which fund shall be known as the state contingency fund and be for the purposes authorized under Section 54-1601 to

54-1604, inclusive, and 54-1606 and also Section 54-1609 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1949, and ending June 30, 1951.

Approved March 7, 1949.

CHAPTER 25

House Bill No. 78
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the moneys in the state fire and tornado fund in the state treasury, the sum of \$57,240.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary, manager	\$ 3,600.00
Other salaries	21,260.00
Postage, supplies, printing, furniture and fixtures	4,700.00
Miscellaneous	4,500.00
Risk inspection and travel	5,000.00
Premium refunds, fire	2,500.00
Premium refunds, extended coverage	1,000.00
Adjusting expense	13,000.00
Transfer to general fund for assistant attorney general's salary	1,680.00
Total	<u>\$ 57,240.00</u>

Approved March 10, 1949.

CHAPTER 26

Senate Bill No. 81
(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:

SECTION 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 \$686,900.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary, commissioner	\$ 8,400.00
Salary, deputy commissioner and chief warden	13,200.00
Salary, district wardens	95,000.00
Clerkhire	20,000.00
Postage, supplies, printing, furniture and fixtures	20,000.00
Miscellaneous	5,000.00
Travel expense	95,000.00
Special Bulletin printing	25,000.00
Audit and compensation	5,000.00
Junior wardens	5,000.00
Federal matching funds	90,000.00
Propagation	50,000.00
Maintenance hatcheries and fish distribution	45,000.00
Maintenance game farms	20,000.00
Rewards	2,500.00
Construction of dams	25,000.00
Conservation education and publicity	12,000.00
Predatory control and crow bounty	20,000.00
Predatory animal control under supervision of the director of predatory animal control	25,000.00
Emergency fund	50,000.00

Rearing ponds of Bald Hill Dam (Available if not built by federal funds)	45,000.00
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Total	\$686,900.00
Approved March 12, 1949.	

CHAPTER 27

Senate Bill No. 46
(Legislative Research Committee)
(at the request of the Game and Fish Department)

FISH AND WILDLIFE SERVICE
MATCHING FEDERAL FUNDS

AN ACT

Making an emergency appropriation for state matching of federal funds which have been made available by the department of the interior, fish and wild life service, known as the federal aid funds and for which matching funds are not now available and declaring an emergency.

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

SECTION 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 fifty thousand dollars for the purpose of matching federal funds now available and for which sufficient matching funds are not available.

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

Approved March 12, 1949.

CHAPTER 28

Senate Bill No. 73
(Committee on Appropriations)

STATE GEOLOGICAL SURVEY

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$23,650.00, 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, 1949, and ending June 30, 1951, to-wit:

Salaries	\$ 9,000.00
Clerkhire	2,400.00
Postage, Supplies, Printing, Furniture & Fixtures.....	2,500.00
Miscellaneous	450.00
Travel Expense	5,000.00
Apparatus	2,500.00
New Car	1,800.00
Total	\$23,650.00

Approved March 7, 1949.

CHAPTER 29

House Bill No. 77
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the state hail insurance fund in the state treasury, the sum of \$345,000.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary, manager	\$ 8,400.00
Clerkhire	82,600.00
Salary, inspectors and adjusters	33,000.00
Travel, inspectors and adjusters	29,500.00
Travel, office	7,500.00
Postage, supplies, printing, furniture and fixtures	15,000.00
Listing fees	75,000.00
Annual audit	6,000.00
Advertising	5,000.00
Legal publication	200.00
Legal service	300.00
Miscellaneous	3,800.00
Emergency	75,000.00
Old age and survivors insurance	1,300.00
Transfer to general fund for assistant attorney general's salary	2,400.00
Total	\$345,000.00

Approved March 10, 1949.

CHAPTER 30

House Bill No. 84
(Committee on Appropriations)

STATE HAIL INSURANCE DEPARTMENT
DEFICIENCY

AN ACT

Making an appropriation for the purpose of paying a deficiency in the funds for the operation of the State Hail Insurance Department; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated

out of the state hail insurance department fund in the state treasury, the sum of \$25,000.00, or so much thereof as may be necessary, into the emergency fund, for the purpose of paying a deficiency in the funds for the operation of the state hail insurance department, for the period beginning January 1, 1949, and ending June 30, 1949.

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

Approved March 9, 1949.

CHAPTER 31

Senate Bill No. 78
(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:

SECTION 1. APPROPRIATION FOR ADMINISTRATIVE EXPENSE.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, and accruing from the "Motor Registration Fund" as created by Section 39-0467 of the North Dakota Revised Code of 1943, the sum of \$200,000.00, or so much thereof as may be necessary, for the purpose of defraying the expenses of administration including the payment to the state highway commissioner for extraordinary personal expenses pertaining to the discharge of his duties for the biennium which shall be paid quarterly from the appropriation provided without filing of any itemized statement and which shall be in addition to expenses incurred by him and payable upon itemized voucher, 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, 1949, and ending June 30, 1951, to-wit:

Salary, state highway commissioner	\$ 14,000.00
General operating expense	186,000.00
	\$200,000.00
Total	\$200,000.00

SECTION 2. ADDITIONAL APPROPRIATION FOR ADMINISTRATION EXPENSES.) In addition to the amount hereinbefore appropriated and in addition to the limitation set forth in Section 24-0207 of the North Dakota Revised Code of 1943, there is hereby appropriated out of said motor registration fund, and the state highway department is hereby authorized on proper requisition to transfer, and to have transferred to the operating fund from the moneys allocated to the state highway department out of the motor vehicle registration fund, a sum not to exceed three per cent of the cost of construction, reconstruction, maintenance and all other work undertaken in whole or in part from federal, county and state funds to cover additional cost of administration of said department.

SECTION 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 12, 1949.

CHAPTER 32

Senate Bill No. 79
(Committee on Appropriations)

STATE HIGHWAY PATROL

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the highway patrol fund in the state treasury, not otherwise appropriated, the sum of \$501,900.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary, superintendent	\$ 8,400.00
Salary, assistant superintendent	7,200.00
Salary, patrolmen	240,000.00
Clerks and bookkeepers	19,800.00
Postage, supplies, printing, Furniture and fixtures	14,000.00
Miscellaneous	15,000.00
Travel expense	60,000.00
New equipment	10,000.00
Training school and first aid	2,000.00
Educational program	5,000.00
Car operation, maintenance and replacement	115,000.00
Audit	1,500.00
Old age and survivors insurance	4,000.00
Total	\$501,900.00

Approved March 12, 1949.

CHAPTER 33

Senate Bill No. 111
(Brunsdale, Morgan, Page, and Reinke)

PUBLIC HIGHWAYS AND BRIDGES MATCHING FEDERAL FUNDS

AN ACT

Making an appropriation of eight million three hundred forty-nine thousand three hundred seventy-six dollars for the purpose of matching federal funds allocated or to be allocated to the state of North Dakota for the purpose of construction and reconstruction of the public highways and bridges within the state.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated

and transferred from any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of eight million three hundred forty-nine thousand three hundred seventy-six dollars to the highway special construction fund for the purpose of matching federal funds now available and to be made available by acts of congress in force and to be enacted, in the form of grants to the state in the aid of construction and reconstruction of public highways and bridges within the state, including feeder highways and bridges.

Approved March 12, 1949.

CHAPTER 34

Senate Bill No. 157
(Nelson of McKenzie)

YELLOWSTONE RIVER BRIDGE

AN ACT

Appropriating the sum of \$500,000 out of any moneys in the State Treasury not otherwise appropriated, or so much thereof as may be necessary to match federal funds of like amount now available or hereafter to become available for a bridge to be constructed across the Yellowstone River in McKenzie County, North Dakota, on Highway No. 23; authorizing and directing the state highway commissioner and his officers and engineers to prepare plans and specifications for such bridge and to proceed with the construction thereof as soon as convenient.

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

APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of Five Hundred Thousand Dollars (\$500,000.00), or so much thereof as may be necessary to match grants in like amount from the federal government, which are now available or which may hereafter become available for such purpose, for the construction of a bridge across the Yellowstone River in McKenzie County, North Dakota, on Highway No. 23 in said McKenzie County, North Dakota; and the state highway commissioner, 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 5, 1949.

CHAPTER 35

Senate Bill No. 54
(Committee on Appropriations)

STATE HISTORICAL SOCIETY—STATE PARKS
APPROPRIATIONS

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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$81,370.40, or so much thereof as may be necessary for salary, clerkhire and miscellaneous expenses of the State Historical Society and for maintenance of State Parks in the sums hereinafter set forth, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

STATE HISTORICAL SOCIETY

Salary—Superintendent	\$ 7,200.00
Clerkhire	23,040.00
Postage, Supplies, Printing, Furniture and Fixtures	4,950.00
Miscellaneous	800.00
Travel Expense	900.00
Museum	1,300.00
Books and Periodicals.....	900.00
Binding Newspapers	1,300.00
N. D. Old Age & Survivors Insurance.....	280.40
Historical & Archeological Field Work.....	2,000.00
Total	\$42,670.40

STATE PARKS COMMITTEE

Technical & Clerical Service.....	\$ 1,200.00
Office Supplies.....	300.00
Miscellaneous	600.00
Travel Expense	900.00
Maintenance & Operation of North Dakota Parks & Park Camps.....	22,000.00
International Peace Garden.....	5,500.00
Development & Maintenance of Historical Sites	2,500.00

Whitestone Hill State Park.....	1,700.00
Purchase of Park Maintenance Equipment.....	4,000.00
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Total	\$38,700.00
Grand Total	\$81,370.40

Approved March 7, 1949.

CHAPTER 36

House Bill No. 261
(Acheson, Cote, Benson and Haugland)

STATE HISTORICAL SOCIETY
LAKE METIGOSHE STATE PARK

AN ACT

Making an appropriation to the state historical society for land acquisition, fences, roads, parking area, picnic area development, beach improvement and repairs and improvements to lodge and other buildings in the sum of twenty-three thousand dollars, for proposed development of Lake Metigoshe state park.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated to the state historical society out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-three thousand dollars, or so much thereof as may be necessary for the purpose of land acquisition, fences, roads, parking areas, picnic area development, beach improvement and repairs and improvements to lodge and other buildings for proposed development of Lake Metigoshe state park, to-wit:

Land acquisition	\$ 3,500.00
Roads	3,000.00
Parking areas	2,000.00
Picnic area development	2,000.00
Beach improvement:	
Swimming and boat dock	3,000.00
Sanitary facilities	2,000.00
Checking station	2,000.00
Boats and equipment	1,000.00
Labor	2,000.00
Repairs and improvements to Lodge and other buildings	2,500.00
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Total	\$23,000.00

The funds appropriated by this act shall not be expended without the approval of the State Budget Board.

Approved February 28, 1949.

CHAPTER 37

House Bill No. 105
(Sellens, Fleck and Murray)

ROOSEVELT CABIN REPAIRS, UPKEEP, ETC.
STATE HISTORICAL SOCIETY

AN ACT

Making an appropriation to the State Historical Society to defray the expenses of repairing, reconditioning, improving and of the upkeep of the Roosevelt Cabin at the State Capitol.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated to the state historical society out of any moneys in the state treasury not otherwise appropriated, the sum of Two Thousand (\$2,000.00) Dollars, or so much thereof as may be necessary, to be used when and in such manner as the state historical society may direct, for the repairing, reconditioning, improving and the upkeep of the Roosevelt Cabin located on the capitol grounds in Bismarck.

SECTION 2.) In the event the national park service shall so request, the state historical society and the board of administration are hereby authorized to turn over such cabin to the national park service for transfer to a suitable site within the state upon the agreement of the national park service to care for and maintain such cabin.

Approved March 9, 1949.

CHAPTER 38

Senate Bill No. 195
(Morgan and Duffy)

DISTRICT JUDGES, DEFICIT

AN ACT

To provide for the payment of a deficit in the expenses of district judges, and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of Thirty-Five Hundred Dollars in addition to the moneys heretofore appropriated, for the purpose of paying a deficit in the expenses of district judges for the biennium ending June 30, 1949.

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

Approved March 4, 1949.

CHAPTER 39

Senate Bill No. 69
(Committee on Appropriations)

STATE LABORATORIES DEPARTMENT

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$377,400.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary, director	\$ 8,400.00
Salary, food commissioner and chemist	12,000.00
Clerkhire	238,000.00
Postage, supplies, printing, furniture and fixtures	40,000.00
Miscellaneous	10,000.00
Travel expense	40,000.00
Samples	3,000.00
Rent	7,200.00
Telephone and telegraph	1,500.00
Ice, gas and electricity	3,000.00
Freight, dray and express	9,000.00
Library	800.00
Workmen's compensation	1,000.00
Cost of auditing	1,500.00
Refunds	2,000.00
Total	\$377,400.00

Approved March 12, 1949.

CHAPTER 40

Senate Bill No. 53
(Committee on Appropriations)

LIVESTOCK SANITARY BOARD BANGS DISEASE FUND AND BOVINE TUBERCULOSIS FUND 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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the State Treasury, not otherwise appropriated, the sum of \$174,600.00, or so much thereof as is necessary, to pay the operating and maintenance expenses of the Livestock Sanitary Board, and for the expenses and indemnifying owners of animals, to the Bangs Disease Fund and to the Bovine Tuberculosis Fund, for the biennium beginning July 1, 1949, and ending June 30, 1951, in the sums hereinafter named only, to-wit:

LIVESTOCK SANITARY BOARD

Salary — Executive Officer and	
State Veterinarian	\$ 12,000.00
Clerkhire	10,000.00
Postage, Supplies, Printing,	
Furniture and Fixtures.....	1,800.00
Miscellaneous	900.00
Services & Expenses Board's Agents.....	22,500.00
Compensation & Expense Board Members.....	1,200.00
Workmen's Compensation	1,200.00
	<hr/>
Total	\$ 49,600.00

BANGS DISEASE FUND AND
BOVINE TUBERCULOSIS FUND

Miscellaneous Expenses	\$125,000.00
	<hr/>
Total	\$125,000.00
Grand Total	\$174,600.00

Approved March 7, 1949.

CHAPTER 41

Senate Bill No. 76
(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:

SECTION 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 \$362,900.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary	\$ 8,400.00
Clerkhire and rental of International Business Machines	148,000.00

Postage, supplies, printing, furniture and fixtures	86,000.00
Miscellaneous	4,000.00
Travel expense	2,000.00
License plates	110,000.00
Refunds	1,500.00
State board of auditor's fund	3,000.00
Total	\$362,900.00

Approved March 12, 1949.

CHAPTER 42

Senate Bill No. 77
(Committee on Appropriations)

REGISTRAR OF MOTOR VEHICLES
DEFICIENCY

AN ACT

Making an appropriation for the purpose of paying a deficiency in postage, supplies, printing, furniture and fixtures and license plates of the Registrar of Motor Vehicles; and declaring an emergency.

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

SECTION 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 \$60,000.00, or so much thereof as may be necessary for the purpose of paying a deficiency in postage, supplies, printing, furniture and fixtures and license plates of the registrar of motor vehicles, for the biennium ending June 30, 1949, to-wit:

Postage, supplies, printing, furniture and fixtures	\$ 28,000.00
License plates	32,000.00
Total	\$ 60,000.00

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

Approved March 7, 1949.

CHAPTER 43

House Bill No. 75
(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:

SECTION 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 \$30,682.00, or so much thereof as may be necessary to pay the costs of the administration of the Old Age and Survivor Insurance System, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Personal Services	\$23,382.00
Postage, Supplies, Printing, Furniture & Fixtures	5,600.00
Travel Expense	1,000.00
Miscellaneous	700.00
	<hr/>
Total	\$30,682.00

Approved February 21, 1949.

CHAPTER 44

House Bill No. 76
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury in the Poultry Improve-

ment Board Fund, the sum of \$81,190.00, or so much thereof as may be necessary for the operation, maintenance and miscellaneous expenses of the Poultry Improvement Board, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salary-Executive Secretary	\$ 8,400.00
Clerkhire	14,880.00
Postage, Supplies, Furniture and Fixtures	3,850.00
Miscellaneous	1,500.00
Travel Expense	4,000.00
Compensation & Expense—Board Members	1,560.00
Tags, Bands and Antigen.....	5,500.00
Bureau of Agricultural Economics.....	1,000.00
Poultry Shows	500.00
Fieldmen	25,000.00
Emergency	15,000.00
Total	\$81,190.00

Approved February 21, 1949.

CHAPTER 45

Senate Bill No. 55
(Committee on Appropriations)

PUBLIC HEALTH DEPARTMENT, PUBLIC HEALTH LABORATORIES AND DIVISION OF CHILD HYGIENE

AN ACT

Making an appropriation for the operating and maintenance expenses of the Public Health Department, Public Health Laboratories and Division of Child Hygiene.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$403,620.00, 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, public health laboratories, blood plasma program and division of child hygiene, and in collaboration with federal funds, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

PUBLIC HEALTH

Salary, state health officer	\$ 20,000.00
Salary, other personnel	272,120.00
Postage, supplies, printing, furniture and fixtures	42,100.00
Miscellaneous	5,900.00
Travel expense	28,500.00
Card indexing	4,000.00
Arsenicals and penicillin	6,000.00
Tuberculosis control and roentgenology	10,000.00
Division of oral hygiene	15,000.00
 Total	 \$403,620.00

Approved March 12, 1949.

CHAPTER 46

Senate Bill No. 142
(Committee on Appropriations)

PUBLIC SERVICE COMMISSIONER

AN ACT

Making an appropriation for the deficiency in salary of an elected state official of the State of North Dakota for the last six months of the biennium ending June 30, 1949, and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of 3450.00, or so much thereof as may be necessary, for the payment of the deficiency in salary of one public service commissioner for the last six months of the biennium ending June 30, 1949;

SECTION 2. EMERGENCY.) That this act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 8, 1949.

CHAPTER 47

House Bill No. 58
(Committee on Appropriations)

AUTO TRANSPORTATION DIVISION — PUBLIC SERVICE
COMMISSION

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:*

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the auto transportation fund in the state treasury, the sum of \$102,765.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary, director	\$ 7,800.00
Clerkhire	51,840.00
Postage, supplies, printing, furniture and fixtures	4,500.00
Miscellaneous	1,500.00
Travel expense	36,000.00
Workmen's compensation	125.00
Refunds	1,000.00
Total	\$102,765.00

Approved March 8, 1949.

CHAPTER 48

House Bill No. 59
 (Committee on Appropriations)

LIVESTOCK DEALERS DIVISION — PUBLIC SERVICE
 COMMISSION

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the livestock dealers fund in the state treasury, the sum of \$15,625.00, or so much thereof as may be necessary for salaries and expenses of the livestock dealers division as provided for in sections 36-0401 to 36-0421, both inclusive, of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Clerkhire	\$ 10,000.00
Postage, supplies, printing, furniture and fixtures	1,000.00
Miscellaneous	350.00
Travel expense	4,000.00
Workmen's compensation	25.00
Refunds	250.00
 Total	 \$ 15,625.00

Approved March 9, 1949.

CHAPTER 49

Senate Bill No. 74

(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 for providing assistance to the needy aged and general assistance for relief to destitute and necessitous persons, 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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$7,011,467.00 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, and for the necessary costs of administration to all of the programs above mentioned, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Assistance Programs:

1. Old age assistance	\$4,500,000.00
2. Aid to dependent children	1,900,000.00
3. Aid to blind	100,000.00
4. General assistance	100,000.00

Service programs:

1. Child welfare services	22,000.00
2. Crippled children services	125,000.00

Administration:

1. Personal services:	
a. State office employees	185,000.00
b. Doctors' fees for eye examinations	750.00
2. Travel expense	27,500.00
3. Telegraph and telephone	2,380.00
4. Postage	8,800.00
5. Printing	13,000.00
6. Office supplies	3,000.00

7. Equipment:	
a. Rental	1,425.00
b. Repair and maintenance	1,232.00
c. Purchase	2,380.00
8. Other operating expense	3,000.00
9. Board member expense	10,000.00
10. Cost of merit system administration	6,000.00
	\$7,011,467.00
Total	

Approved March 12, 1949.

CHAPTER 50

Senate Bill No. 223

(Stucke, Nordhougen, Duffy, Kamrath, Coghlan, Nelson of McKenzie, Rue, Albers and Bridston)

PUBLIC WELFARE BOARD

ASSISTANCE NECESSITOUS INDIANS ON INDIAN RESERVATIONS

AN ACT

Making an appropriation for the biennium beginning July 1, 1949, and ending June 30, 1951, for the disbursement by the Public Welfare Board of North Dakota to counties in which are located Indian reservations to provide for the assistance of destitute and necessitous Indians on Indian reservations within the State of North Dakota.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated for the biennium beginning July 1, 1949, and ending June 30, 1951, out of any moneys in the retail sales tax fund in the state treasury, not otherwise appropriated, the sum of \$100,000.00, or so much thereof as may be necessary to be expended by the public welfare board of North Dakota in providing general assistance to Indians located upon Indian reservations in this state, supplementary to all funds provided by the federal government for that purpose. The public welfare board of North Dakota is hereby authorized to make distribution from the amount herein appropriated for assistance of destitute and necessitous Indians on Indian reservations in North Dakota, among the county governments in North Dakota in which Indian reservations are located, for assistance of such Indians from month to month, after taking into consideration the assistance needs compatible

with health and well-being of Indians on reservations in their counties, cared for or to be cared for, and other facts, which in the opinion of the public welfare board of North Dakota should be taken into account in order to do justice and equity among such counties.

Approved March 12, 1949.

CHAPTER 51

Senate Bill No. 161

(Stucke, Nordhougen, Duffy, Kamrath, Coghlan, Nelson of McKenzie, Rue and Albers)

PUBLIC WELFARE BOARD
ASSISTANCE NECESSITOUS INDIANS ON INDIAN
RESERVATIONS
EMERGENCY

AN ACT

Making an emergency appropriation for the period from January 1, to June 30, 1949, out of moneys in the retail sales tax fund created by Chapter 344, Laws of 1947, to provide for the assistance of destitute and necessitous Indians on Indian reservations; providing for the distribution of this appropriation by the Public Welfare Board of North Dakota to counties in which there are Indian reservations; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) That there is hereby appropriated out of moneys in the retail sales tax fund created by Chapter 344, Laws of 1947, not otherwise appropriated, the sum of \$75,000.00 or so much thereof as may be necessary to be expended by the public welfare board of North Dakota in providing general assistance for the months beginning January 1, and ending June 30, 1949, to Indians located upon Indian reservations. The public welfare board of North Dakota is hereby authorized to make distribution from the amount herein appropriated for assistance to destitute and necessitous Indians and their families and dependents on Indian reservations among the county governments of North Dakota in which Indian reservations are located, from month to month, after taking into consideration the assistance needs compatible with health and well-being of Indians on reservations in their counties, cared for or to be cared for, and other facts, which in the opinion of the public

welfare board of North Dakota should be taken into account in order to do justice and equity among such counties.

SECTION 2. EMERGENCY.) This act is hereby declared an emergency measure and shall be in effect from and after its passage and approval.

Approved March 12, 1949.

CHAPTER 52

House Bill No. 73
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$64,500.00, 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, 1949, and ending June 30, 1951.

Approved February 8, 1949.

CHAPTER 53

House Bill No. 61
(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 Session of the State of North Dakota:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the seed department fund in the state treasury, the sum

of \$495,000.00, or so much thereof as may be necessary for salaries and expenses for the state seed department, as provided for in Chapter 4-09, North Dakota Revised Code of 1943, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Administration	\$ 14,000.00
Deputy commissioners	38,000.00
Clerks, stenographers, etc.	36,000.00
Field supervising inspectors	15,000.00
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	76,000.00
Test plots	11,000.00
Tags and seals	18,000.00
Production and marketing administration ...	9,000.00
Automobiles	4,000.00
Rent to Agricultural College and others	6,000.00
Emergency	30,000.00
Compiling, printing, mailing and postage of annual report and financial statement giving details of receipts and expendi- tures, to be mailed to every person, firm or corporation which has paid inspection or other fees to the state seed department during the preceding year	5,000.00
Total	\$495,000.00

Approved March 10, 1949.

CHAPTER 54

Senate Bill No. 70
 (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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$36,250.00, or so much thereof as may be necessary for the purpose of 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, 1949, and ending June 30, 1951, to-wit:

Salaries	\$15,000.00
Office Supplies & Postage.....	1,750.00
Printing & Stationery.....	3,000.00
Furniture & Fixtures.....	1,000.00
Election Expense	1,600.00
Publication Fees	1,500.00
Labor Expense.....	2,400.00
Travel Expense	10,000.00
Total	\$36,250.00

Approved March 7, 1949.

CHAPTER 55

House Bill No. 339

(Committee on Appropriations)

(Approved by Delayed Bills Committee)

TAX COMMISSIONER

AN ACT

Making an appropriation for the purpose of paying a deficiency in the postage, supplies, printing, furniture and fixtures fund of the tax commissioner, and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the general fund, not otherwise appropriated, the sum of three thousand dollars, or so much thereof as may be necessary, for the biennium beginning July 1, 1947 and ending June 30, 1949 for the purpose of paying a deficiency in the postage, supplies, printing, furniture and fixtures fund of the tax commissioner.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its (passage) and approval.

Approved March 10, 1949.

CHAPTER 56

Senate Bill No. 82

(Committee on Appropriations)

TEACHERS' INSURANCE AND RETIREMENT FUND

AN ACT

Making an appropriation for the purpose of operating and maintaining the Teachers' Insurance of Retirement Fund.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the teachers' insurance and retirement fund, the sum of \$43,900.00 for the purpose of

operating and maintaining the teachers' insurance and retirement fund, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salary, executive secretary	\$ 8,400.00
Clerkhire	20,000.00
Postage, supplies, printing, furniture and fixtures	6,000.00
Miscellaneous	2,000.00
Travel expense	3,000.00
Audit	1,500.00
Actuary	3,000.00
Total	\$ 43,900.00

Approved March 12, 1949.

CHAPTER 57

Senate Bill No. 151
(Committee on Appropriations)

TEACHERS' INSURANCE AND RETIREMENT FUND
DEFICIENCY

AN ACT

Making an appropriation for a deficiency in travel and miscellaneous of the Teachers' Insurance and Retirement Fund budget; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the teachers' insurance and retirement fund, the sum of \$1,700.00 for a deficiency in travel and miscellaneous of the teachers' insurance and retirement fund budget for the biennium ending June 30, 1949, to-wit:

Travel	\$ 1,500.00
Miscellaneous	200.00
Total	\$ 1,700.00

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

Approved March 8, 1949.

CHAPTER 58

Senate Bill No. 213
(Committee on Appropriations)

VETERANS ADJUSTED COMPENSATION PAYMENT
ADMINISTRATION EXPENSES

AN ACT

Making an appropriation to pay administration expenses in connection with the payment of adjusted compensation to North Dakota veterans of World War II and declaring an emergency.

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

SECTION 1.) There is hereby appropriated out of any moneys in the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II in accordance with the provisions of the amendment to the constitution of the state of North Dakota adopted by the thirtieth legislative assembly of the state of North Dakota as House Concurrent Resolution X and approved by the people at the primary election held on June 29, 1948, the sum of one hundred sixty-five thousand sixty-three dollars and fifty cents or so much thereof as may be necessary to be paid upon the order of the industrial commission for the administrative expenses in connection with the making of said payments of adjusted compensation to North Dakota veterans of World War II:

Clerk hire	\$107,160.00
Furniture, fixtures and equipment	13,903.50
Printing	9,000.00
Postage	9,000.00
Miscellaneous	3,000.00
Travel	3,000.00
Emergency	20,000.00
	\$165,063.50

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

Approved March 8, 1949.

CHAPTER 59

Senate Bill No. 60
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$61,540.00, 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, as amended by chapter 237 of the North Dakota Session Laws of 1945, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salary, commissioner	\$ 8,400.00
Salary, assistant commissioners	20,000.00
Clerkhire	15,000.00
Postage, Supplies, Printing, Furniture & Fixtures	4,000.00
Light, telephone and telegraph	1,300.00
Miscellaneous	1,000.00
Travel expense	7,000.00
Rent	3,840.00
Travel, state advisory council	1,000.00
Total	\$61,540.00

Approved February 11, 1949.

CHAPTER 60

Senate Bill No. 61
(Committee on Appropriations)

VETERANS' AID COMMISSION
AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys 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, 1949, and ending June 30, 1951.

Approved February 8, 1949.

CHAPTER 61

House Bill No. 231
(Committee on Appropriations)

VETERANS EMERGENCY FUND
AN ACT

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

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

SECTION 1. REAPPROPRIATION.) Any unused portion in the veterans' emergency fund from the appropriation provided by Chapter 137 of the Session Laws of North Dakota for the year 1945 shall be and is hereby reappropriated for the purposes expressed therein for the period beginning on the effective date of this Act and ending June 30, 1951.

SECTION 2.) Such fund shall be disbursed and drawn on by the veterans' service commissioner of North Dakota for emergency aid and relief of veterans of the armed forces of the United

States in such cases and for such purposes as to such veterans' service commissioner shall seem proper.

SECTION 3.) The veterans' service commissioner may at any time draw an advance of money from such fund on a voucher sworn to by him that such money is necessary for such purpose, and when approved by the state auditing board the state treasurer shall disburse the sum called for by said voucher, but not to exceed the sum of three hundred dollars at any time on any one voucher, to the veterans' service commissioner. Every voucher submitted, after the first one drawn under this act, shall be accompanied by a certified, itemized statement of such commissioner showing the manner of the use of any funds theretofore advanced to him under this act, and further certifying that there remains on hand in his hands a balance of such advancements previously made of not more than fifty dollars and that further funds are or will be necessary.

Approved March 9, 1949.

CHAPTER 62

Senate Bill No. 58
(Committee on Appropriations)

VETERINARY MEDICAL EXAMINERS

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$635.00, or so much thereof as may be necessary to pay salary, clerkhire, travel and miscellaneous expenses of the State Board of Veterinary Medical Examiners as authorized under Chapter 36-02 of the North Dakota Revised Code of 1943, for the biennium beginning July 1, 1949, and ending June 30, 1951.

Approved March 7, 1949.

CHAPTER 63

Senate Bill No. 71
(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 of existing dams and drainage channels, construction of needed drainage channels, planning and surveying projects, expenses of State Compacts and for the preparation of water conservation and irrigation projects for post-war construction and development.

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

SECTION 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 \$606,400.00, or so much thereof as may be necessary for the payment of all general administration expenses of said commission, compensation of state engineer and expenses of all of its employees, for partial guarantee of construction bonds, maintenance of existing dams, administrative expenses of state compacts and for the payment of costs of planning, surveying and preparing water conservation and irrigation projects, for construction, for post-war projects for the purpose of cooperating with the Bureau of Reclamation, the Corps of United States Army Engineers, the Soil Conservation Service, and any other federal agency, in planning the development of water resources of this State for the beneficial use thereof, which may be matched either in whole or in part by Federal or State agencies and governmental subdivisions of the State, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Commissioners—Per Diem & Expenses	\$ 4,000.00
Administration	30,000.00
Maintenance of Existing Dams.....	100,000.00
International & Interstate—Commissioners'	
Conference Expenses	12,000.00
Topographic & Conservation, cooperation	
with U. S. Geological Survey.....	30,000.00
Hydrographic Surveys, cooperation with	
U. S. Geological Survey.....	20,000.00

Salary—State Engineer	5,400.00
Construction and Reconstruction Drains or Irrigation	150,000.00
Engineering & Geological Surveys & Demonstrations	30,000.00
Cooperation with U. S. Departments, Small Projects & for organizing Conservation & Irrigation Districts.....	135,000.00
Other Investigations, Surveys, etc.....	90,000.00
Total	\$606,400.00

Approved February 23, 1949.

CHAPTER 64

Senate Bill No. 80
(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:

SECTION 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 \$345,640.00, 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, 1949, and ending June 30, 1951, to-wit:

Salary, commissioners	\$ 24,000.00
Clerkhire	165,000.00
Postage, supplies, printing, furniture and fixtures	24,800.00
Miscellaneous	6,000.00
Travel expense	12,000.00
Automobile, equipment and maintenance	9,000.00
Safety department	34,000.00
Legal clerkhire	18,600.00

Legal expense	3,000.00
Actuary	6,200.00
Medical director	4,800.00
Department audit	5,000.00
Garrison dam, emergency	15,240.00
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Total	\$345,640.00
	(\$327,640.00)

Approved March 12, 1949.

CHAPTER 65

Senate Bill No. 75
(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:

SECTION 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 per cent (50%) of each of the sums appropriated for

each annual audit of each of said departments, and the remaining fifty per cent (50%) of each of the sums appropriated for each annual audit, or so much thereof as may be necessary, shall be so paid into the state board of auditors fund immediately upon receipt of a statement of the actual expense of auditing such departments or institutions. Provided, however, that the auditing fee for such service in any one year shall not exceed fifty per cent (50%) of the sum set forth for the various institutions and departments, as follows:

North Dakota Mill and Elevator association,	
Grand Forks	\$ 12,000.00
Bank of North Dakota, including Farm Loan	
Department	14,000.00
State Hail Insurance Department	6,000.00
Workmen's Compensation Bureau	5,000.00
Coal Mine Inspection Department	300.00
Teachers' Insurance and Retirement Fund....	1,500.00
State Highway Department	12,000.00
North Dakota Highway Patrol	1,500.00
Game and Fish Department	3,000.00
State Laboratories	1,500.00
Motor Vehicle Department	3,000.00
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Total	\$ 59,800.00

SECTION 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.

SECTION 3. REPEAL.) All acts or parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 12, 1949.

CHAPTER 66

House Bill No. 81
(Committee on Appropriations)

THE BANK OF NORTH DAKOTA
AN ACT

Making an appropriation for the purpose of defraying the expenses of the maintenance and operation of the Bank of North Dakota.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the Bank of North Dakota fund created by transfer of profits from said institution, the sum of \$590,900.00, 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, 1949, and ending June 30, 1951, to-wit:

BANKING DEPARTMENT

Administrative expense	\$ 223,900.00
General expense	81,100.00
Examination and legal expense:	
1. Attorney's salary	8,400.00
2. Examination and legal	7,500.00
Building maintenance:	
1. Janitors' salary	7,800.00
2. Building expense	12,000.00
New buildings to be used by the state	
Laboratories Department	10,000.00
Emergency	25,000.00
Total	\$ 375,700.00

COLLECTION AND LAND DEPARTMENT

Administrative expense	\$ 79,600.00
General expense	22,600.00
Emergency fund	25,000.00
Field supervision:	
1. Fieldmen	24,000.00
2. Travel	24,000.00
3. Repair foreman.....	3,000.00
Examination and legal expense:	
1. Attorney	10,000.00
2. Examination and legal	12,000.00
Total	\$ 200,200.00

BURLINGTON PROJECT

Administrative expense	\$ 6,600.00
General expense	3,400.00
Emergency	5,000.00
Total	\$ 15,000.00
Grand Total	\$ 590,900.00

Approved February 28, 1949.

CHAPTER 67

House Bill No. 64
(Committee on Appropriations)

SCHOOL FOR BLIND

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$28,500.00 out of the Institutional Collections Fund and the Interest and Income Fund of the institution hereafter named, and the sum of \$112,531.16 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School for the Blind at Bathgate, North Dakota, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salaries & Wages:

1. Salary-Superintendent	\$ 7,500.00
2. Faculty	33,480.00
3. Other Employees	38,500.00
4. Teachers' Retirement Fund & Old Age & Survivors' Insurance	1,401.16

Operating Expense:

1. Fuel—including Freight	10,000.00
2. Light, Power, Water, Telephone, Telegraph, Postage, Freight & Express	5,000.00
3. Insurance, Bonds, etc.	2,000.00
4. Printing, Office & Educational Supplies	2,500.00
5. Travel	500.00
6. Power House Supplies	1,000.00
7. Janitors' supplies	350.00
8. Students' Welfare	500.00
9. Food—including Meats, etc.	18,000.00
10. Clothing	300.00
11. Hospital & Medical Service	900.00
12. Laundry Costs	600.00
13. Farm, Garden & Grounds	2,500.00

Improvements & Repairs:	
1. General Repairs	4,000.00
2. Painting Interior & Repairing Floors in Main Building	2,500.00
3. Raising & Resetting No. 2 Boiler, new Smoke Box, Fittings, etc.	2,500.00
Equipment	5,000.00
Miscellaneous Items	2,000.00
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Total	\$141,031.16

Approved February 26, 1949.

CHAPTER 68

House Bill No. 88
(Committee on Appropriations)

CAPITOL AND GROUNDS

AN ACT

Making a deficiency appropriation for the expenses of the Board of Administration and general maintenance and operation of the Capitol and grounds; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$16,400 out of the state treasury not otherwise appropriated, or so much thereof as may be necessary, to pay the expenses of the board of administration and the general maintenance and operation of the capitol and grounds for the period beginning January 1, 1949 and ending June 30, 1949.

1. Salaries other employees	\$ 3,600.00
2. Capitol maintenance	9,300.00
3. Postage, supplies, printing, furniture and fixtures	1,300.00
4. Equipment	2,000.00
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	\$16,400.00

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

Approved February 3, 1949.

CHAPTER 69

House Bill No. 270
(Johnson and Stair)

PURCHASE OF LOTS FOR CAPITOL GROUNDS

AN ACT

Making an appropriation to the Board of Administration for the purchase of lots for the capitol grounds.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated to the board of administration the sum of \$1,000.00 out of the state treasury not otherwise appropriated, or so much thereof as may be necessary, for the purchase of two lots within the state capitol grounds and described as Lots 21 and 22 of Block 33 of the Capitol Park Addition to the City of Bismarck.

Approved February 28, 1949.

CHAPTER 70

House Bill No. 60
(Committee on Appropriations)

BOARD OF ADMINISTRATION
LAW LIBRARY OF THE SUPREME COURT

AN ACT

Making an appropriation for the installation of a mezzanine floor, additional shelving and an electric book lift in the Law Library of the Supreme Court.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the State Capitol Building Fund in the State Treasury to the Board of Administration, not otherwise appropriated, the sum of \$25,000.00, or so much thereof as is necessary for the installation of a mezzanine floor, additional shelving and an electric book lift in the Law Library of the Supreme Court, for the biennium beginning July 1, 1949, and ending June 30, 1951.

Approved February 21, 1949.

CHAPTER 71

House Bill No. 63
(Committee on Appropriations)

SCHOOL FOR DEAF

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$68,000.00 out of the interest and income fund and the institutional collections fund of the institution hereafter named and the sum of \$342,750.00 out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings and equipment of the school for the deaf at Devils Lake, North Dakota, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salaries and wages:

1. Salary, superintendent\$ 7,800.00
2. Other employees 200,000.00

Operating expense:

1. Fuel, light, power and water 29,850.00
2. Telephone, telegraph, postage
and office supplies 1,600.00
3. Educational supplies 5,000.00
4. Insurance, bonds, etc 4,000.00
5. Power house supplies 1,000.00
6. Janitors' supplies and laundry 5,000.00
7. Travel 600.00
8. Student amusement and welfare 1,200.00
9. Food (including meats) 35,000.00
10. Hospital and medical supplies 1,000.00
11. Farm and garden supplies 5,000.00
12. Auto bus and truck upkeep 2,000.00
13. Kitchen supplies 1,000.00
14. Dry goods 2,000.00

Improvements and repairs:

1. General 12,000.00

New buildings:

1. Remodel power house and rebuild
smokestack 50,000.00

2. Additional appropriation or gymnasium and school house addition	35,000.00
Equipment:	
1. Library and textbooks	2,000.00
2. Furniture	3,500.00
3. Laundry, power house and trades equipment	5,000.00
4. Campus and playground equipment....	600.00
5. Farm equipment	600.00
Total	\$410,750.00

Approved March 12, 1949.

CHAPTER 72

House Bill No. 86
(Committee on Appropriations)

GRAFTON STATE SCHOOL

AN ACT

Making an appropriation for the general maintenance of the Grafton State School, and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$85,000.00 out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary, to pay the general maintenance of the Grafton state school for the period beginning January 1, 1949 and ending June 30, 1949, to-wit:

Power house and electrical supplies	\$ 6,000.00
Janitors and laundry supplies	5,500.00
Food	56,000.00
Farm & Garden	17,500.00
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	\$85,000.00

SECTION 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.

Approved February 4, 1949.

CHAPTER 73

House Bill No. 65
(Committee on Appropriations)

GRAFTON STATE SCHOOL

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$797,000.00 out of the county care and institutional collections funds of the institution hereafter named and the sum of \$1,140,050.00 out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous items for the Grafton State School at Grafton, North Dakota, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salaries and wages	\$ 650,000.00
Operating expense:	
1. Fuel, including freight	100,000.00
2. General repairs	15,000.00
3. Insurance, bonds, printing, etc.	20,000.00
4. Travel	2,000.00
5. Office and educational supplies	7,500.00
6. Power house and electrical supplies	15,000.00
7. Janitors' and laundry supplies	32,000.00
8. Inmates' welfare	4,000.00
9. Food, including meats, etc.	160,000.00
10. Clothing	65,000.00
11. Hospital and medical service.....	16,000.00
12. Farm and garden	65,000.00
13. Beds, bedding and furnishings	25,000.00
Improvements and repairs:	
1. Repairs on evaporators	2,500.00
2. Artesian wells	5,000.00
3. Paints, painting and glass	5,000.00
4. Buildings (repairs)	12,000.00
5. Farm, garden, etc.	6,000.00
6. Steam turbine, steam engine and boilers	2,500.00

7. Outside condensor and coal conveyor	1,500.00
8. Steam, electric and fire pump	900.00
9. Stack breaching	500.00
10. Cisterns, inside conductor and water lines	1,300.00
11. Coal stokers	600.00
12. Fencing institutional grounds	2,000.00
13. Refectory	10,000.00
14. Exterior painting and repairs	40,000.00
Equipment:	
1. New cars and trucks	3,000.00
2. Farm machinery	3,000.00
3. Kitchen, etc.	8,000.00
4. Laundry and janitor	8,000.00
5. Hospital	20,000.00
6. Fire fighting	2,000.00
7. Refrigeration	4,000.00
8. Cold water pump	1,000.00
9. Storage tank for drinking water	600.00
10. Batteries and wiring for electric clocks	400.00
11. C. O. "2" meter and reostat	500.00
12. Small lathe	300.00
13. Power saw	200.00
14. One ton hoist	150.00
15. Centrifugal boiler feed pump, etc.	600.00
16. New coal conveyor	5,000.00
17. New bakery	4,000.00
New buildings:	
1. New hospital (130) beds	265,000.00
2. New store building	35,000.00
Miscellaneous items:	
1. Land rentals	10,000.00
2. Water supply	300,000.00
Total	\$1,937,050.00

SECTION 2.) The \$300,000.00 appropriation for water supply under miscellaneous items, or so much thereof as may be needed to pay the Grafton State Hospital's per capita share, in relation to the population of the city of Grafton, for the purpose of building a water supply system to furnish water for the Grafton State Hospital and the city of Grafton, is to become available after a mutually satisfactory agreement has been entered into between the state board of administration and the city

of Grafton as to costs and conditions of furnishing water to the Grafton State School.

Approved March 9, 1949.

CHAPTER 74

Senate Bill No. 62
(Committee on Appropriations)

FEEBLE-MINDED—STATE AT LARGE

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$3.080.00, or so much thereof as may be necessary to care for the feeble-minded whose residence cannot be determined and whose care must be borne by the state, for the biennium beginning July 1, 1949, and ending June 30, 1951.

Approved March 7, 1949.

CHAPTER 75

Senate Bill No. 52
(Committee on Appropriations)

STATE INSTITUTIONS OF HIGHER LEARNING

AN ACT

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

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

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

1. State University	\$ 3,270,350.00
2. (a) Agricultural College	3,247,750.00
(b) Agricultural College, experiment station	992,400.00
(c) Agricultural College, extension division	258,150.00
3. State Teachers College, Dickinson	681,050.00
4. Ellendale Normal and Industrial school	274,650.00
5. State Teachers College, Mayville	418,350.00
6. State Teachers College, Minot	810,780.00
7. State Teachers College, Valley City ...	727,300.00
8. School of Science, Wahpeton	802,950.00
9. School of Forestry, Bottineau	268,795.00

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

1. State University	\$ 660,000.00
2. Agricultural College	575,000.00
3. State Teachers College, Dickinson	100,000.00
4. Ellendale Normal and Industrial School	95,000.00
5. State Teachers College, Mayville	95,000.00
6. State Teachers College, Minot	190,000.00
7. State Teachers College, Valley City ...	150,000.00
8. School of Science, Wahpeton	245,000.00
9. School of Forestry, Bottineau	60,000.00

and in addition thereto there is hereby appropriated to each of the institutions hereinafter named, all other incidental income, collections and fees, interest and income that such institutions may collect and receive, and such incidental income, collections and fees, interest and income shall be used by each institution for such miscellaneous purposes as may be necessary for the maintenance and operation of the institution. The state auditor is hereby authorized and directed, upon the order of the state board of higher education, to issue warrants against all funds deposited in the state treasury including amounts over and above the estimated income, if any, provided however, that the limitation of Section 54-2710 of the North Dakota Revised Code of 1943

shall apply only to that part of the appropriation which is derived from the general fund.

SECTION 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, 1949, and ending June 30, 1951.

SECTION 3. APPROPRIATION.)

STATE UNIVERSITY

1. Educational service	\$ 2,000,000.00
2. Library	65,800.00
3. Administration	200,000.00
4. Student welfare, health and placement	22,600.00
5. Buildings and grounds	460,000.00
6. Improvements and repairs	100,000.00
7. Equipment	100,000.00
8. Fixed charges	79,950.00
9. School of Mines, special	5,000.00
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Total	\$ 3,033,350.00
Less estimated income	660,000.00
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Net appropriation	\$ 2,373,350.00
10. Buildings and special projects:	
a. Apparatus, men's gymnasium	50,000.00
b. Additional appropriation for gymnasium	275,000.00
c. Engineering building	400,000.00
d. Campus paving	75,000.00
e. Steam line to lignite laboratory	92,000.00
f. Boiler front and fan	5,000.00
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Total	\$ 3,270,350.00

AGRICULTURAL COLLEGE

1. Educational service	\$ 1,800,000.00
2. Library	72,500.00
3. Administration	155,000.00
4. Student welfare, health and placement service	19,000.00
5. Buildings and grounds	500,000.00
6. Improvements and repairs	107,250.00
7. Equipment	125,000.00

8. Fixed charges	68,400.00
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Total	\$ 2,847,150.00
Less estimated income	575,000.00
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Net appropriation	\$ 2,272,150.00
9. Buildings and special projects:	
a. Additional appropriation, livestock building	150,000.00
b. Engineering building (to be used with 1947 appropriation of \$115,000.00 for agricultural engineering building)	400,000.00
c. President's residence	40,000.00
d. Equipment for library	100,000.00
e. Beef barn	50,000.00
f. Hog barn	30,000.00
g. Moving stadium	40,000.00
h. Power house equipment	43,600.00
i. Remodel veterinary building	43,000.00
j. Electric wiring rehabilitation	25,000.00
k. Accoustical treatment for men's gymnasium	54,000.00
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Total	\$ 3,247,750.00

AGRICULTURAL COLLEGE —
EXPERIMENT STATION

1. Main station:	
a. Scientific investigations	\$ 450,000.00
b. Veterinary science	44,000.00
c. Public service	17,000.00
d. Special equipment	35,000.00
e. Improvements and repairs	25,000.00
f. New buildings and special projects:	
1. Move and remodel farm house	5,000.00
2. Rebuild and relocate poultry plant	75,000.00
3. Greenhouses	25,000.00
4. Storage building	10,000.00
5. Additional appropriation for corn seedhouse, including equipment	25,000.00
g. Land	17,000.00
h. Fixed charges	48,000.00
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Total main station	\$ 776,000.00

2. Branch stations:		
a. Dickinson dry land unit	\$	34,350.00
b. Dickinson livestock unit		37,900.00
c. Edgeley		18,000.00
d. Hettinger		20,000.00
e. Langdon		26,000.00
f. North Central		42,000.00
g. Williston dry land unit		19,650.00
h. Williston irrigation unit		18,500.00
		<hr/>
Total branch stations	\$	216,400.00
Total main and substations	\$	992,400.00

AGRICULTURAL COLLEGE —
EXTENSION DIVISION

1. Administration	\$	12,000.00
2. County agent		34,500.00
3. Home demonstration		16,000.00
4. 4-H Club and rural young people		17,300.00
5. Information and publications		15,700.00
6. Forestry		4,800.00
7. Field agents in agriculture		64,033.00
8. Field agents in home economics		10,700.00
9. Health planning		1,700.00
10. Poultry marketing		6,650.00
11. Fixed charges		14,767.00
12. Two specialists—one poultry and one creamery		20,000.00
13. Travel and expenses		40,000.00
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Total	\$	258,150.00

STATE TEACHERS COLLEGE, DICKINSON

1. Educational service	\$	245,000.00
2. Library		15,500.00
3. Administration		36,000.00
4. Student welfare, health and place- ment service		7,000.00
5. Buildings and grounds		93,000.00
6. Improvements and repairs:		
a. Improvements and repairs		18,000.00
b. Repoint brick, repair and paint windows		45,000.00
7. Equipment		11,750.00

8. Fixed charges	9,800.00
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Total	\$ 481,050.00
Less estimated income	100,000.00
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Net appropriation	\$ 381,050.00
9. New buildings:	
a. Physical education, equipment and remodel stage	300,000.00
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Total	\$ 681,050.00

ELLENDALE NORMAL AND INDUSTRIAL SCHOOL

1. Educational service	\$ 160,000.00
2. Library	10,000.00
3. Administration	32,500.00
4. Student welfare, health and placement service	7,500.00
5. Buildings and grounds	62,000.00
6. Improvements and repairs	41,000.00
7. Equipment	15,000.00
8. Fixed charges	12,150.00
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Total	\$ 340,150.00
Less estimated income	95,000.00
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Net appropriation	\$ 245,150.00
9. New buildings and special projects:	
a. Resetting boiler and book stacks.....	26,000.00
b. Transmission lines	3,500.00
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Total	\$ 274,650.00

STATE TEACHERS COLLEGE, MAYVILLE

1. Educational service	\$ 241,000.00
2. Library	17,500.00
3. Administration	38,000.00
4. Student welfare, health and placement service	6,500.00
5. Buildings and grounds	79,000.00
6. Improvements and repairs	12,900.00
7. Equipment	17,000.00
8. Fixed charges	10,450.00
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Total	\$ 422,350.00
Less estimated income	95,000.00
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Net appropriation	\$ 327,350.00

9. Buildings and special projects:	
a. Electrical distribution system	13,500.00
b. Repair main building	60,000.00
c. Rewire east hall	7,500.00
d. Remodel dormitory bathrooms	10,000.00
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Total	\$ 418,350.00

STATE TEACHERS COLLEGE, MINOT

1. Educational service	\$ 550,000.00
2. Library	30,000.00
3. Administration	62,000.00
4. Student welfare, health and placement service	4,000.00
5. Buildings and grounds	160,000.00
6. Improvements and repairs	24,200.00
7. Equipment	25,000.00
8. Fixed charges	20,580.00
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Total\$ 875,780.00

Less estimated income 190,000.00

Net appropriation\$ 685,780.00

9. Buildings and special projects:	
a. Music room addition	25,000.00
b. Additional appropriation physical education building and equipment....	100,000.00

The appropriation made in 1947 for the power house conversion from direct to alternating current is hereby declared to be made available for the purchase of light and power in such amounts as may be necessary

Total\$ 810,780.00

STATE TEACHERS COLLEGE, VALLEY CITY

1. Educational service	\$ 380,000.00
2. Library	19,400.00
3. Administration	45,000.00
4. Student welfare, health and placement service	8,500.00
5. Buildings and grounds	150,000.00
6. Improvements and repairs	30,000.00
7. Equipment	15,000.00

8. Fixed charges	20,400.00
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Total	\$ 668,300.00
Less estimated income	150,000.00
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Net appropriation	\$ 518,300.00
9. Buildings and special projects:	
a. Two spreader stokers and dump grate for Badenhausen boiler	9,000.00
b. New library and equipment	200,000.00
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Total	\$ 727,300.00

SCHOOL OF SCIENCE, WAHPETON

1. Educational service	\$ 440,000.00
2. Library	13,900.00
3. Administration	53,000.00
4. Student welfare, health and placement service	8,000.00
5. Buildings and grounds	150,000.00
6. Improvements and repairs	45,000.00
7. Equipment	35,000.00
8. Fixed charges	18,050.00
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Total	762,950.00
Less estimated income	245,000.00
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Net appropriation	\$ 517,950.00
9. New buildings and special projects:	
a. Remodel main building	35,000.00
b. Gymnasium, equipment and remodel present gymnasium	250,000.00
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Total	\$ 802,950.00

STATE SCHOOL OF FORESTRY, BOTTINEAU

1. Educational service	\$ 87,000.00
2. Library	2,200.00
3. Administration	23,145.00
4. Student welfare, health and placement service	600.00
5. Buildings and grounds	24,000.00
6. Nursery and greenhouse	49,000.00
7. Improvements and repairs	3,000.00
8. Equipment	4,500.00

9. Fixed charges	4,750.00
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Total	\$ 198,195.00
Less estimated income	60,000.00
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Net appropriation	\$ 138,195.00
10. Buildings and special projects:	
a. Additional appropriation for building and equipment	125,000.00
b. Farm forestry program	5,600.00
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Total	\$ 268,795.00

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

Approved March 12, 1949.

CHAPTER 76

House Bill No. 66
 (Committee on Appropriations)

STATE HOSPITAL FOR THE INSANE

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous items for the State Hospital for the Insane at Jamestown, North Dakota.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$2,298,101.00 out of the county care, institutional collections and interest collections funds of the institution hereafter named and the sum of \$441,054.00 out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous items for the state

hospital for the insane at Jamestown, North Dakota, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salaries and wages	\$ 1,200,000.00
Operating expenses:	
1. Administrative expense	35,000.00
2. Occupational therapy	6,500.00
3. Farm, garden, auto and trucks	79,500.00
4. Physical plant	275,000.00
5. Clothing and footwear	70,000.00
6. Foods	500,000.00
7. Household and kitchen	32,500.00
8. Laundry and janitors' supplies	40,000.00
9. Hospital, medical and surgical supplies	45,000.00
10. Insurance, bonds and social security	28,000.00
11. Miscellaneous supplies, etc.	5,000.00
Improvements and repairs:	
1. Re-roofing, repairing and changing windows and painting hospital building	75,000.00
New buildings:	
1. Additional appropriation employees' building, equipment and furniture....	250,000.00
2. Ice house	6,230.00
3. Silos (2)	3,800.00
Equipment:	
1. Beds, bedding, furniture and furnishings	40,000.00
2. Elevator	5,125.00
3. Drying tumblers	1,800.00
4. Boiler feed water heater	2,800.00
5. Power and light distribution panel	3,000.00
6. Farm equipment	5,000.00
7. Additional appropriation for ash conveyor to be made available im- mediately on passage	12,000.00
8. Electric supply pump	3,500.00
9. Electric vacuum pump	2,500.00
10. Turbine for induced draft	3,500.00
11. For installing deaerator	1,000.00
12. One water softener	5,800.00
Miscellaneous:	
1. Land purchase	1,600.00
 Total	 \$ 2,739,155.00

Approved March 12, 1949.

CHAPTER 77

Senate Bill No. 63
(Committee on Appropriations)

INSANE PATIENTS—STATE AT LARGE

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$105,000.00, or so much thereof as may be necessary to care for the insane patients whose residence cannot be determined and whose care must be borne by the State, for the biennium beginning July 1, 1949, and ending June 30, 1951.

Approved March 7, 1949.

CHAPTER 78

House Bill No. 82
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the North Dakota mill and elevator association fund, the sum of \$2,193,820.00, 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, 1949, and ending June 30, 1951, to-wit:

Manufacturing expense	\$1,007,500.00
Selling and delivery expense	210,050.00
Administration expense	98,500.00
General expense	112,650.00
Elevator department	193,400.00
Feed mill department	396,700.00
State local elevator	38,020.00
Audit fees	12,000.00
Emergency fund	125,000.00
Total	\$2,193,820.00

Approved February 28, 1949.

CHAPTER 79

House Bill No. 69
(Committee on Appropriations)

STATE PENITENTIARY

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$8,000.00 out of the Coffin Manufacturing Fund, the sum of \$200,000.00 out of the Miscellaneous Earnings Fund and the sum of \$24,000.00 out of the Institutional Collections Fund of the institution hereafter named and the sum of \$508,875.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Penitentiary.

Salaries & Wages:

1. Salary—Warden	\$ 4,000.00
2. Other Employees	230,000.00
3. Retirement pay	3,600.00
4. Social Security	2,400.00

Operating Expense:

1. Fuel, including Freight	45,000.00
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2. Light, Power, Water, Gas	11,800.00
3. Telephone, Telegraph, Postage	2,400.00
4. Freight & Express	800.00
5. Insurance & Bonds	10,000.00
6. Printing & Office Supplies	1,000.00
7. Travel Expense	350.00
8. Educational Supplies and Library	800.00
9. Power House & Electric Supplies	3,500.00
10. Laundry & Janitors' Supplies	7,500.00
11. Inmates' Welfare	2,000.00
12. Food & Kitchen Supplies	80,000.00
13. Clothing, Bedding, etc.	16,000.00
14. Hospital & Medical Services	13,000.00
15. Bertillon & Escapes	1,000.00
16. Transportation & Clothing Allowances	7,000.00
17. Maintenance Autos & Trucks	5,000.00
18. Inmates' Wages	23,000.00
19. Maintenance Farms & Shops	16,500.00
20. Miscellaneous Supplies	300.00
Improvements & Repairs:	
1. General	7,000.00
Equipment:	
1. Kitchen & Household	1,000.00
2. Farm	1,000.00
3. Hospital	300.00
4. Shops	1,000.00
5. Office	500.00
6. Firehose & Firefighting Supplies	500.00
7. Arsenals	300.00
8. Part cost Central Broadcasting Station \$500.00. (2) Car Units, \$600.00 each	1,700.00
Miscellaneous Items:	
1. Rent of Lands	3,000.00
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Total Penitentiary Proper	\$503,250.00
STATE PAROLE OFFICER:	
1. Salary & Travel Expense	9,600.00
STATE BUREAU OF CRIMINAL IDENTIFICATION:	
1. Officer in Charge	6,600.00
2. Fingerprint Expert	6,000.00
3. Travel Expense	4,500.00
4. Workmen's Compensation	175.00
5. Radio Service	2,050.00
6. Telephone & Telegraph	500.00
7. Equipment	500.00
8. Postage & Printing	200.00

TAG & SIGN PLANT	200,000.00
COFFIN FACTORY	8,000.00
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Total	\$740,875.00

Approved February 26, 1949.

CHAPTER 80

House Bill No. 70
(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:

SECTION 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, 1949 and ending June 30, 1951. 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, 1949, and ending June 30, 1951.

Approved March 12, 1949.

CHAPTER 81

House Bill No. 87
(Committee on Appropriations)

PENITENTIARY TAG AND SIGN PLANT
AN ACT

Making an appropriation for the operation and maintenance of the Penitentiary Tag and Sign Plant; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of the miscellaneous earnings funds of the penitentiary tag and sign plant the sum of \$25,000, or so much thereof as may be necessary, for the operation and maintenance of the tag and sign plant for the period beginning January 1, 1949 and ending June 30, 1949.

SECTION 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.

Approved February 3, 1949.

CHAPTER 82

House Bill No. 71
(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:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury in the twine plant operating fund, the sum of \$1,819,559.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the North Da-

kota twine and cordage plant at the state penitentiary, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salaries and wages:

1. Salary, manager	\$ 4,280.00
2. Other employees	98,779.00
3. Social security	1,500.00

Operating expense:

1. Unmanufactured hemp	1,000,000.00
2. Stores	80,000.00
3. Maintenance, repairs and supplies....	15,000.00
4. Inmates' labor	18,000.00
5. Fuel, light and water	12,000.00
6. Unearned insurance	25,000.00
7. Officers' and inmates' maintenance	30,000.00
8. Miscellaneous office expense	200.00
9. Telephone, telegraph, postage	800.00
10. Stationery and office supplies	600.00
11. Freight expense	200.00
12. Miscellaneous selling expense	400.00
13. Advertising	500.00
14. Travel expense	4,200.00
15. Truck expense	200.00
16. Commissions	16,000.00
17. Emergency fund (social security charged to this fund)	150,000.00

Improvements and repairs:

1. Buildings	3,500.00
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Equipment:

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

Miscellaneous:

1. Twine and rope returns and allow- ances	10,000.00
2. Quantity discounts	1,000.00
3. Interest expense	20,000.00
4. Sales tax	2,000.00
5. Prepaid freight	5,000.00
6. Bank loans	300,000.00
7. Accounts payable	5,000.00

Total\$1,819,559.00

Approved February 28, 1949.

CHAPTER 83

Senate Bill No. 64
(Committee on Appropriations)

NORTH DAKOTA SOLDIERS' HOME

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$10,844.00, and such moneys as may come to the Interest and Income and Federal Aid Funds, or so much thereof as may be necessary not to exceed \$125,000.00, for the biennium beginning July 1, 1949, and ending June 30, 1951, or so much thereof as may be necessary for the maintenance and support of the North Dakota Soldiers' Home located at Lisbon, North Dakota, said sums to be paid as follows: one quarter or \$33,961.00 to be payable July 1, 1949, and each additional quarter to be payable at the end of each succeeding six months thereafter. In addition there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated the sum of \$23,708.75, or so much thereof as may be necessary, for a new building for farm equipment, improvements and equipment, and insurance, at the North Dakota Soldiers' Home at Lisbon, North Dakota, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Expense & Per Diem for Board.....	\$ 1,600.00
Salary Commandant	7,200.00
Salaries for Staff	10,800.00
Expense & Per Diem of Auditor.....	144.00
Employees & Home Members Employed.....	50,000.00
Maintenance & Operation	66,100.00

New Buildings:

1. New Building for Farm Equipment.....	2,500.00
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Improvements & Equipment:

1. Farm Equipment	1,800.00
2. Ground Improvement.....	3,000.00
3. Installation of Laundry & Equipment....	12,000.00
4. Water Softener for Laundry.....	4,000.00

Miscellaneous:	
1. Insurance on New Buildings and Contents	408.75
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Total	\$159,552.75
Less Estimated Income all Sources	125,000.00
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Balance out of the General Fund.....	\$ 34,552.75

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

Approved March 7, 1949.

CHAPTER 84

Senate Bill No. 65
(Committee on Appropriations)

NORTH DAKOTA SOLDIERS' HOME
DEFICIENCY

AN ACT

Making an appropriation for the purpose of paying a deficiency in the appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated the sum of \$10,000.00, or so much thereof as may be necessary for the purpose of paying a deficiency in the appropriation for the North Dakota soldiers' home at Lisbon, North Dakota, for the biennium ending June 30, 1949.

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

Approved March 7, 1949.

CHAPTER 85

Senate Bill No. 108
(Committee on Appropriations)

NORTH DAKOTA SOLDIERS' HOME
NEW BUILDING, SEWAGE DISPOSAL PLANT

AN ACT

Making an appropriation for the completion of the new building and equipment and a sewage disposal plant for the North Dakota Soldiers' Home at Lisbon, North Dakota; and declaring an emergency.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$223,500.00, or so much thereof as may be necessary for the completion of the new building and equipment and sewage disposal plant for the North Dakota Soldiers' Home at Lisbon, North Dakota, to-wit:

General work finishing 2nd and 3rd floors	\$ 75,000.00
Electric light fixtures	5,000.00
Shades and venetian blinds	2,055.00
Kitchen and dining room plus freight and installation	17,800.00
Motorized ventilators	2,000.00
Cooler room compressors	4,000.00
Elevator and installation	20,000.00
Water softener (hot side only)	2,500.00
Vault door	250.00
Shop equipment	1,000.00
Painting ceiling and walls	16,685.00
Infirmery equipment	2,500.00
Furniture and furnishings	36,210.00
Sewage disposal plant	33,500.00
Contingency fund	5,000.00
Total	<u>\$223,500.00</u>

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

Approved February 26, 1949.

CHAPTER 86

House Bill No. 68
 (Committee on Appropriations)

STATE TRAINING SCHOOL

AN ACT

Making an appropriation for the general maintenance, improvements and repairs, new building, equipment and miscellaneous expenses for the State Training School at Mandan, North Dakota.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$70,000.00 out of the Interest, Income and Institutional Collections Funds of the institution hereafter named and the sum of \$532,933.00 out of the State Treasury, not otherwise appropriated, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new building, equipment and miscellaneous expenses of the State Training School at Mandan, North Dakota, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salaries and Wages:

- 1. Administration\$ 35,430.00
- 2. Other Employees 176,208.00

Operating Expense:

- 1. Fuel, Light, Power and Gas 32,500.00
- 2. Telephone, Telegraph, Postage,
Freight, Express, Travel and
Parole Expense 10,900.00
- 3. Printing and Office Supplies 1,500.00
- 4. Educational Supplies 3,500.00
- 5. Power House, Laundry and Janitors'
Supplies 16,000.00
- 6. Students' Welfare and Wage 8,000.00
- 7. Food and Household Supplies 90,000.00
- 8. Clothing, Bedding and Linen 25,000.00
- 9. Hospital and Medical Service 16,000.00
- 10. Farm and Garden Maintenance 20,000.00
- 11. Grounds 850.00
- 12. Carpenter Shop, Gasoline, Auto and
Truck Expense 10,000.00
- 13. Insurance 10,000.00
- 14. Matching OASIS & Teachers' Insur-
ance 4,130.00

Improvements and Repairs :

1. Pump and Shutoff Gate for Dyke	1,450.00
2. Dairy Barn Repair	2,500.00
3. Slaughter House	2,000.00
4. Replace Pipes, Trades Building and Maple Cottage	800.00
5. Heating and Lighting to New Dormitory, including Tunnel	17,000.00
6. Septic Tank for Sanitary Sewer	1,600.00
7. General Repairs on Buildings	6,000.00
8. Painting and Decorating	5,000.00

New Buildings :

1. Additional Appropriation for Dormitory	72,000.00
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Equipment :

1. Trades School	9,000.00
2. Replace & Repair Power House & Laundry Equipment	1,375.00
3. Replace Laundry Presses	2,600.00
4. Farm Equipment	4,970.00
5. Carpenter and Plumbing Shop	1,000.00
6. Library	1,000.00
7. Household	4,320.00
8. School and Office	3,000.00
9. Tools	1,000.00
10. Replace Car and Truck	2,800.00

Miscellaneous :

1. Burial Expenses and Rewards	800.00
2. Land Rental	1,800.00
3. Fencing	900.00

Total	\$602,933.00
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Approved February 26, 1949.

CHAPTER 87

House Bill No. 67
(Committee on Appropriations)

TUBERCULOSIS SANITORIUM

AN ACT

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

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

SECTION 1. APPROPRIATION.) There is hereby appropriated the sum of \$325,000.00 out of the county care and institutional collections funds of the institution hereafter named and the sum of \$709,200.00 out of the state treasury, not otherwise appropriated, or so much thereof as may be necessary for paying the general maintenance, improvements and repairs and equipment for the tuberculosis sanatorium at San Haven, North Dakota, for the biennium beginning July 1, 1949, and ending June 30, 1951, to-wit:

Salaries and wages:	
1. Salary, superintendent	\$ 14,400.00
2. Other employees	486,000.00
Operating expense:	
1. Fuel, including freight	65,000.00
2. Auto and truck maintenance	5,000.00
3. Telephone, telegraph, postage, freight and express	7,000.00
4. Insurance, bonds, etc.	14,000.00
5. Travel	1,000.00
6. Office supplies and printing	3,000.00
7. Miscellaneous	100.00
8. Power house supplies	12,000.00
9. Janitors' supplies	12,000.00
10. Patients' welfare	2,400.00
11. Food, including meats, etc.	250,000.00
12. Clothing, bedding, linen, etc.	17,000.00
13. Hospital and medical service	40,000.00
14. Farm, dairy and poultry maintenance	30,000.00
15. Garden, greenhouse and grounds	1,000.00
16. Laundry, water softening supplies	12,000.00
17. Dishes, crockery, utensils, etc.	6,000.00
18. Refunds	300.00

Improvements and repairs:	
1. General improvements and repairs	7,000.00
2. Blacktop paving	12,000.00
3. Additional appropriation for re- modeling old building	20,000.00
Equipment:	
1. Hospital	2,500.00
2. Farm	1,000.00
3. Furniture, rugs, replacements, etc.	6,000.00
4. Office equipment	500.00
5. Dietary equipment	2,500.00
6. Truck exchange	2,000.00
7. Laundry	500.00
8. Air conditioning infirmary kitchen	2,000.00
Total	\$ 1,034,200.00

Approved March 10, 1949.

CHAPTER 88

House Bill No. 232
(Committee on Appropriations)

TRANSFER AUTO TRANSPORTATION FUND TO
HIGHWAY OPERATING 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 Operating Fund" in the State Treasury, and declaring an emergency.

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

SECTION 1.) There is hereby transferred out of the unappropriated surplus now in the "Auto Transportation Fund" the sum of \$35,000.00 to the credit of the "Highway Operating Fund" in the State Treasury.

SECTION 2.) The State Auditor and State Treasurer shall make the transfer of the funds authorized hereby upon the records in their respective offices within a reasonable time after the effective date of this act.

SECTION 3.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage an approval.

Approved February 21, 1949.

CHAPTER 89

Senate Bill No. 221

(Committee on Finance and Taxation)

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

AN ACT

Appropriating surplus funds of the Bank of North Dakota to the sinking fund for General Obligation Bonds, Veterans of World War II Adjusted Compensation Series, and declaring an emergency.

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

SECTION 1. APPROPRIATION; TRANSFER TO BE MADE.) There is hereby appropriated out of the accumulated surplus funds of the Bank of North Dakota to the sinking fund for North Dakota General Obligation Bonds, Veterans of World War II Adjusted Compensation Series, the sum of one million five hundred thousand dollars. Such sum shall be transferred to said sinking fund on order of the state industrial commission in three installments as follows: \$500,000.00 at or promptly following issuance of such bonds in an aggregate amount exceeding one million dollars, \$500,000.00 on July 1st in the year following and \$500,000.00 on July 1st of the second year following.

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

Approved March 16, 1949.

CHAPTER 90

Senate Bill No. 222

(Committee on Finance and Taxation)

TRANSFER N. D. MILL AND ELEVATOR ASSOCIATION SURPLUS
FUNDS TO VETERANS ADJUSTED COMPENSATION
BONDS SINKING FUND

AN ACT

Appropriating surplus funds of the North Dakota Mill and Elevator Association to the sinking fund for General Obligation Bonds, Veterans of World War II Adjusted Compensation Series, and declaring an emergency.

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

SECTION 1. APPROPRIATION; TRANSFER TO BE MADE.) There is hereby appropriated out of the accumulated surplus funds of the North Dakota mill and elevator association to the sinking fund for North Dakota General Obligation Bonds, Veterans of World War II Adjusted Compensation Series, the sum of five hundred thousand dollars. Such sum shall be transferred to said sinking fund on order of the state industrial commission at or promptly following issuance of such bonds in an aggregate amount exceeding one million dollars.

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

Approved March 16, 1949.

CHAPTER 91

Senate Bill No. 97

(Committee on Appropriations)

TRANSFER SCALE INSPECTION FUND TO GENERAL FUND AN ACT

Transferring four hundred three dollars and ninety-four cents from the Scale Inspection Fund to the General Fund.

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

SECTION 1. TRANSFER.) There is hereby transferred out of the moneys in the state treasury in the special fund known as the scale inspection fund to the general fund of the state of North Dakota the sum of four hundred three dollars and ninety-four cents.

Approved March 7, 1949.

CHAPTER 92

Senate Bill No. 6

(Legislative Research Committee)

TRANSFER UTILITY VALUATION FUND TO GENERAL FUND

AN ACT

Transferring forty-two thousand two-hundred eighty-five dollars and eighty-four cents from the utility valuation fund to the general fund.

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

SECTION 1.) There is hereby transferred out of the moneys in the state treasury in the special fund known as the utility valuation fund to the general fund of the state of North Dakota the sum of forty-two thousand two-hundred eighty-five dollars and eighty-four cents.

Approved March 7, 1949.

GENERAL PROVISIONS

CHAPTER 93

House Bill No. 89
(Stormon of Ramsey)

HOLIDAYS**AN ACT**

To amend and reenact section 1-0301 of the 1947 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:

SECTION 1. AMENDMENT.) Section 1-0301 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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

1. Every Sunday;
2. The first day of January, which is New Year's day;
3. The twelfth day of February, which is the birthday of Abraham Lincoln;
4. The twenty-second day of February, which is the birthday of George Washington;
5. The fourth day of July, which is the anniversary of the Declaration of Independence;
6. The twenty-fifth of December, which is Christmas day;
7. The thirtieth day of May, which is Memorial day;
8. The first Monday in September, which is Labor day;
9. The twelfth day of October, which is Discovery day to commemorate the discovery of America by Leif Erickson about the year 1000 A. D., and by Christopher Columbus in the year 1492, A. D.;
10. The eleventh day of November, which is Armistice day;
11. The fourth Thursday in November, which is Thanksgiving day.

12. The Friday next preceding Easter Sunday and commonly known as Good Friday;
13. Every day on which an election is held throughout the state; and
14. Every day appointed by the president of the United States or by the governor of this state for a public holiday.

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

Approved February 8, 1949.

AERONAUTICS

CHAPTER 94

Senate Bill No. 36

(Legislative Research Committee
at the request of the Aeronautics Commission)

STATE AIRWAYS SYSTEM**AN ACT**

To amend and reenact section 2-0507 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to the state airways system.

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

SECTION 1. AMENDMENT.) Section 2-0507 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2-0507. STATE AIRWAYS SYSTEM.) The state airways system shall consist of all air navigation facilities available for public use now existing or hereafter established, whether publicly or privately owned or except those under the jurisdiction of the federal government. Jurisdiction over the state airways system in matters of safety is vested in the aeronautics commission. The commission may expend state funds duly appropriated for such purpose in the interest of safety on any or all facilities of the system which serve a useful public purpose and satisfy a public need. The commission may make, promulgate and amend reasonable safety rules, safety regulations, and safety procedures, and establish minimum safety standards covering the activities for each such facility.

Approved March 7, 1949.

AGRICULTURE

CHAPTER 95**House Bill No. 241****(Erickson, Lindberg, Haugen of McLean, Maher)**

BY-LAWS COOPERATIVE MARKETING ASSOCIATION**AN ACT**

Relating to the amendment of by-laws of cooperative marketing associations.

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

SECTION 1.) The stockholders of a cooperative marketing 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. In an association consisting of fifty or more stockholders, a quorum at such stockholders' meeting shall consist of at least twenty-five stockholders. In an association consisting of less than fifty stockholders, a quorum at such stockholders' meeting shall consist of a majority of the stockholders present in person with at least twenty per cent of its stockholders present. 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.

Approved March 19, 1949.

CHAPTER 96

Senate Bill No. 134

(Krenz)

TAX LEVY FOR COUNTY AGENT WORK

AN ACT

Authorizing a county levy of not to exceed one mill for county agent work; amending and reenacting sections 4-0802 and 4-0804 of the North Dakota Revised Code of 1943.

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

SECTION 1. AMENDMENT.) Section 4-0802 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0802. FORM OF PETITION.) The petition provided for in section 4-0801 shall be in the following form:

PETITION PROVIDING FOR LEVY FOR COUNTY AGENT WORK

We, the undersigned, electors ofcounty, North Dakota, do hereby respectfully petition the honorable board of county commissioners that it levy a tax sufficient but not to exceed one mill to employ a county agent for the purpose of carrying on county agent work in cooperation with the agricultural college.

SECTION 2. AMENDMENT.) Section 4-0804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-0804. ELECTION HELD; CANDIDATES PRESENTED TO COUNTY COMMISSIONERS; FUNDS AVAILABLE FOR COUNTY AGENT WORK.) When a majority of the votes are cast for county agent work, the extension division of the agricultural college on the first day of July following the election shall present a candidate or candidates for county agent to the board of county commissioners for its selection and final approval. A sum of not less than two thousand dollars shall be made available for this purpose from county funds, but in no case shall such levy exceed one mill.

SECTION 3.) The board of county commissioners of any county of this state in which a levy for county agent work is authorized may levy not to exceed one mill for such purpose, which levy shall be within the county tax levy limitation prescribed by law.

Approved March 7, 1949.

CHAPTER 97

House Bill No. 43
(Legislative Research Committee)
at the request of the
(State Seed Department)

POTATO GRADE INSPECTION FEES

AN ACT

To amend and reenact section 4-1013 of the 1947 Supplement to the North Dakota Revised Code of 1943, providing for grade inspection of potatoes; prescribing fees and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 4-1013 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1013. GRADE INSPECTION; FEES AND CHARGES.) The commissioner, by regulation, shall fix the fees for making grade inspections, and said fees shall be uniform throughout the state for such periods of time as shall be specified. The maximum fee per carload or truckload or any other lot unit not in excess of a standard freight carload quantity, and not containing more than two lots, shall not exceed six dollars and fifty cents for potatoes and seven dollars for other produce. A minimum of twenty-five cents of each inspection fee for potatoes shall be covered into an advertising fund to be used by the commissioner in consultation with the the growers for the purpose of advertising North Dakota seed and table stock potatoes in the wholesale and retail markets of the United States. Any person soliciting an inspection or inspections at points other than those at which inspectors are located, or at which itinerant inspectors may be at the time inspection is requested, may obtain inspection service on payment of the necessary traveling expenses, in addition to the regular inspection fee. The owner and the consignor or shipper of the potatoes shall be held responsible for the payment of the inspection fees when they are not paid otherwise. The commissioner shall collect all fees and charges and shall make detailed annual reports of all receipts and expenditures to the board of administration, which shall publish the same for distribution to interested parties. Provided, however, that there shall be no increase in fees except with the approval of a majority of the directors and officers of the North Dakota Certified Seed Potato Growers association and the North Dakota

members of the board of directors and officers of the Red River Valley Potato Growers association present at a meeting called by the state seed commissioner, preferably at Grand Forks.

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

Approved February 26, 1949.

CHAPTER 98

Senate Bill No. 30

(Legislative Research Committee)

(at the request of the Department of Agriculture and Labor)

MILK, CREAM AND LIQUID MILK PRODUCTS

AN ACT

Governing the production, processing, labeling and sale of milk, cream and liquid milk products; defining milk, cream, liquid milk products, skim milk, pasteurization and pasteurized; regulating the pasteurization, sale, possession, advertising, labeling, and dealing in milk, cream, liquid milk products and skim milk; establishing grades of milk and providing a penalty for the violation of this act.

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

SECTION 1. DEFINITIONS.) In this act, unless the context or subject matter otherwise requires:

1. "Milk" shall mean the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within fifteen days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free, and which contains not less than three and twenty-five hundredths percent of milk fat, and eleven and fifty hundredths percent of total milk solids. The term "milk" unqualified shall mean cow's milk;
2. "Cream" shall mean that portion of the milk which contains not less than twenty percent butterfat;
3. "Liquid milk products" shall mean milk either whole or skimmed to which has been added a pure, wholesome flavoring compound;
4. "Skim milk" shall mean milk from which the milk fat has been wholly or partially removed and shall contain

not less than eight and one-half percent of milk solids not fat;

5. "Reduction time" shall mean that period of time as determined by the standard methylene blue test or the improved resazurin tests;
6. "Pasteurization" and "pasteurized" and similar terms shall be taken to refer to:
 - a. The process of heating every particle of milk or milk products to a temperature of at least one hundred forty-five degrees Fahrenheit and holding such temperature for at least thirty minutes and then immediately cooling to a temperature of at least fifty degrees Fahrenheit in properly operated equipment approved by the commissioner; or
 - b. The process of heating every particle of milk or milk products to a temperature of at least one hundred and sixty-two degrees Fahrenheit and holding such temperature for at least fifteen seconds and then immediately cooling to a temperature of at least fifty degrees Fahrenheit in properly operated equipment approved by the commissioner. Nothing contained in this subsection shall be construed as excluding any other process which has been demonstrated to be equally efficient and which has been approved by the commissioner.
7. "Grade A pasteurized milk" shall mean milk which has been pasteurized, cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery exceeds thirty thousand bacteria per cubic centimeter, standard plate count, as determined by the logarithmic averages, or milk the average reduction time of which is in excess of eight hours, of four consecutive tests of milk samples taken on separate days;
8. "Grade A raw milk" shall mean milk the bacterial count of which does not exceed thirty thousand bacteria per cubic centimeter, standard plate count, as determined by the logarithmic averages, or milk the average reduction time of which is in excess of eight hours, of four consecutive tests of milk samples taken on separate days;
9. "Pasteurized milk, other than grade A," shall mean milk which has been pasteurized, cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery, shall exceed fifty thousand bacteria per cubic centimeter, standard plate count, as determined by the logarithmic averages, or milk the average reduction time of which

- is not less than seven hours, of four consecutive tests of milk samples taken on separate days;
10. "Grade A raw milk for pasteurization purposes" shall mean raw milk the bacterial count of which does not exceed two hundred thousand bacteria per cubic centimeter, standard plate count or direct microscopic count, as determined by the logarithmic averages, or milk the average reduction time of which is not less than five hours, of four consecutive tests of milk samples taken on separate days;
 11. "Raw milk other than grade A milk" shall mean milk which has been produced under sanitary conditions and is properly cooled and bottled in a plant approved by the commissioner, the bacterial count of which at no time before delivery shall exceed one hundred fifty thousand bacteria per cubic centimeter, standard plate count, as determined by the logarithmic averages, or milk the average reduction time of which is not less than six hours, of four consecutive tests of milk samples taken on separate days;
 12. "Raw milk for pasteurization purposes, other than grade A," shall mean raw milk, the bacterial count of which does not exceed five hundred thousand bacteria per cubic centimeter, standard plate count or direct microscopic count, as determined by the logarithmic averages, or milk the average reduction time of which is not less than three and one-half hours, of four consecutive tests of milk samples taken on separate days: and
 13. "Commissioner" shall mean the dairy commissioner of the state of North Dakota.

SECTION 2. COMMISSIONER TO APPROVE EQUIPMENT AND PLANT FOR PASTEURIZATION; PERMIT REQUIRED.) No pasteurized milk, cream or liquid milk products may be sold, advertised, offered or exposed for sale or held in possession for sale in this state unless the plant, equipment, water supply and plumbing system connected with such plant shall have been approved by the commissioner, and a permit issued to operate such plant. All construction or alteration of such plants shall be made only with the approval of said commissioner and duplicate plans for such construction or alteration shall be submitted to him for approval.

SECTION 3 . REGULATIONS GOVERNING SALE OF PASTEURIZED AND NON-PASTEURIZED PRODUCTS.) No milk, cream or liquid milk products labeled or otherwise designated as pasteurized or as having been treated by any heating process shall be sold, advertised, offered or exposed for sale or held in possession for sale in this state unless the same has been pasteurized as defined in this act. All milk, cream or liquid milk products not pasteurized as defined herein shall be labeled or otherwise designated as raw milk,

raw cream or other raw liquid milk products. No milk, cream or liquid milk products sold or offered for sale for human consumption shall bear caps with misleading or deceptive information thereon.

SECTION 4. COMMISSIONER TO PROMULGATE PRODUCTION STANDARDS FOR MILK.) The commissioner, by regulation, shall promulgate production standards for grade A pasteurized milk, grade A raw milk and all other milk which is sold or offered for sale to be used for human consumption as such.

SECTION 5. TO ESTABLISH ADDITIONAL MILK PASTEURIZING PLANTS.) To promote the public welfare and for the general good of the dairy industry the commission may make a survey of the volume of milk and cream sold and all sources of supply in any given community, and if the volume of sales are sufficiently large and plant facilities can be made available, the commissioner shall lend all assistance possible in the installation of a milk pasteurizing plant. To secure an adequate supply of high quality raw milk for such a plant, the commissioner shall assist the local milk producers in every way possible.

SECTION 6. COMMISSIONER TO ENFORCE PROVISIONS OF ACT; POWER AND AUTHORITY.) The commissioner shall enforce the provisions of this act and in so doing shall have the power and authority granted him under chapter 4-17 and 4-18 of the North Dakota Revised Code of 1943.

SECTION 7. STANDARDS CONSIDERED MINIMUM; MUNICIPALITY MAY PROVIDE MORE STRINGENT STANDARDS.) The standards set forth in this act shall be considered as minimum standards only. Nothing in this act shall be construed to prevent any municipality from providing by ordinance more stringent or comprehensive standards than are contained herein.

SECTION 8. PENALTY.) Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor.

Approved March 12, 1949.

CHAPTER 99

Senate Bill No. 143
(Sandness, Blume, Feton and Welander)

GRADES OF CREAM AND BUTTERFAT;
COLORING "UNLAWFUL CREAM"

AN ACT

Amending and reenacting Section 4-1815 of the North Dakota Revised Code of 1943, relating to grades of cream and butterfat and providing for the addition of a harmless vegetable color to all "unlawful cream" offered for sale to persons, firms or corporations authorized to purchase cream or butterfat.

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

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

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

1. "Sweet cream grade" shall consist of fresh, clean, fine flavored cream, the acidity of which, calculated as lactic acid, shall never have exceeded two-tenths of one percent in cream;
2. "Grade one" shall consist of cream that is clean, free from undesirable odors and flavors, and of such quality that it will make a butter scoring ninety or above;
3. "Grade two" shall consist of cream that is too acid to grade as one and that contains undesirable odors and flavors in a moderate degree;
4. "Unlawful cream" shall consist of cream which contains dirt, filth, or other foreign matter which makes it unfit for human consumption, and cream that is putrid or decomposed; and
5. All persons, firms or corporations authorized to purchase cream or butterfat shall add a harmless vegetable color to all "unlawful cream" offered for sale. Cream so colored shall then be returned to party offering it for sale.

Approved March 8, 1949.

ALCOHOLIC BEVERAGES

CHAPTER 100

Senate Bill No. 219
(Committee on Finance and Taxation)

ADDITIONAL BEER TAX

AN ACT

Imposing a separate additional tax on sale of beer, providing for collection thereof into the general fund, providing a penalty for violation thereof and declaring an emergency.

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

SECTION 1. SEPARATE ADDITIONAL TAX ON SALE OF BEER; COLLECTION THEREOF.) There hereby is levied and assessed and there shall be collected by the proper officer and paid to 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.

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

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after April 1, 1949.

Approved March 19, 1949.

CHAPTER 101

Senate Bill No. 191

(Braun, Stucke, Shure, Wolf, Bridston and Spiekermeier)

WHOLESALE LIQUOR LICENSE

AN ACT

To amend and reenact Section 5-0304 of the North Dakota Revised Code of 1943 with reference to wholesale liquor licenses, and to prohibit the issuance of wholesale liquor licenses to persons or partnerships who have not been residents of North Dakota for a period of five years, or to corporations unless all officers and directors and the holders of not less than 75 percent of the value of the stock and 75 percent of the voting rights of the corporation have been residents of North Dakota for a period of five years excepting license holders as of date February 1st, 1949, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 5-0304 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5-0304. WHOLESALE LICENSE; FEE; "WHOLESALE BUSINESS" DEFINED; LICENSES TO RESIDENTS ONLY.) Before any person shall engage in the sale at wholesale of liquor within this state, he shall first procure from the city or village where said wholesale business is to be conducted, a license so to do, the fee for which shall be in the sum of not less than \$500.00 or more than \$1000.00, to be determined by the governing body of the city or village. The fee therefor shall be the same to all licensees within each city or village. The term "wholesale business" as used herein shall mean, for the purpose of determining where the license shall be issued, the place where the home office and principal warehouse are located. If warehouses or offices are maintained in more than one city or village, a separate license shall be had for each said warehouse or office. No wholesaler's license shall be granted to any person or partnership unless the person or each member of the partnership applying for such license shall have been a resident or residents of the state for a period of five years continuously immediately prior to such application for a license, and no license shall be granted to any corporation unless all of the officers and directors and stockholders who control, in the aggregate, more than 75% of the stock by par value, and 75% of the voting rights of the stock, of such corporation applying for a license shall have been residents of the state for a period of five years continuously

immediately prior to such application. The provisions of this act, except as to payment of license fee, shall not apply to any person, partnership or corporation, or his or its successor in interest, who or which, on February 1, 1949 was the holder of a wholesale liquor license within the state of North Dakota.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency measure, and shall be in full force and effect immediately upon its passage and approval.

Approved March 19, 1949.

CHAPTER 102

Senate Bill No. 218
(Committee on Finance and Taxation)

ADDITIONAL LIQUOR TAXES

AN ACT

Imposing separate and additional taxes on the sale of liquor, providing for collection thereof, providing a penalty for violation and declaring an emergency.

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

SECTION 1. SEPARATE AND ADDITIONAL TAXES ON THE SALE OF LIQUOR; COLLECTION.) There is hereby levied and assessed and there shall be collected by the proper officer and paid to the State Treasurer for the general fund upon all sales at wholesale of beer, malt and ale containing more than four percent alcohol by weight, a tax, separate and apart from all other taxes, of four cents per gallon. There hereby is levied and assessed and there shall be collected and paid to the State Treasurer for the general fund upon all sales at wholesale of alcoholic beverages, other than malt beverages, containing more than four percent of alcohol by weight but less than twenty-four percent of alcohol by weight, an additional tax, separate and apart from all other taxes, equal to the sum of twenty cents per gallon, and upon all sales at wholesale of alcoholic beverages containing twenty-four percent or more of alcohol by weight, an additional tax, separate and apart from all other taxes, equal to the sum of eighty cents per gallon. All such taxes shall be added to the sale price of merchandise sold to retailers and shall be collected as existing wholesale liquor transaction taxes are or hereafter may be collected, subject to similar

accounting procedures, but no part of the revenue from the taxes hereby imposed shall ever be used as such to satisfy any statutory allocation of malt beverage or liquor tax revenues; provided, however, that this act and the provisions thereof shall expire by their own limitation on July 1, 1961.

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

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after April 1, 1949.

Approved March 19, 1949.

BANKS AND BANKING

CHAPTER 103

House Bill No. 327

Maher, Haugen of McLean, Thompson of McLean)

EXAMINATIONS BY STATE EXAMINER

AN ACT

To amend section 6-0121 of the North Dakota Revised Code of 1943, relating to examinations by the state examiner.

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

SECTION 1. AMENDMENT.) Section 6-0121 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0121. DUTIES, EXAMINATIONS, FEES.) The state examiner shall examine at least once each year, and more often if he, in his discretion, deems it advisable, the books and accounts of the secretary of state, state auditor, state treasurer, clerk of the supreme court, commissioner of insurance, commissioner of agriculture and labor, department of university and school lands, supply department of the national guard, board of administration, state tax commissioner, county treasurers, clerks of the district courts, county judges, registers of deeds, county superintendents of schools, sheriffs, county auditors, public administrators,

irrigation district treasurers and boards of flood irrigation. The state examiner at least once a year shall examine the books and accounts of all city auditors, city treasurers, treasurers of park districts, village clerks and village treasurers in cities and villages having a population of one thousand or more, and school district clerks, secretaries of boards of education, and school district treasurers in school districts comprising cities or villages having a population of one thousand or more. The governing board of any such city, park board, village, or school district, may provide for such examination by a certified public accountant, and in such case the state examiner shall not be required to make such examination. Copies of the report of such examination made by a certified public accountant in such form and containing such information as the state examiner may require shall be filed with the state bonding fund and with the state examiner not more than thirty days after the date of such examination. Fees for such examinations shall be charged by the state examiner only for the examination of books and accounts of county treasurers, clerks of the district court, county judges, registers of deeds, county superintendents of schools, sheriffs, county auditors, public administrators, city auditors, city treasurers, treasurers of park districts, village clerks, village treasurers, school district clerks, secretaries of boards of education, school district treasurers, irrigation district treasurers, and boards of flood irrigation, and such fee shall be at the rate of fifteen dollars per day for the time actually employed by himself or his deputy in such examination, and shall be paid into the state treasury. On petition of thirty-five percent of the electors of any school district, city, or village for which examinations are not hereinbefore provided, or at the request of the governing board, or its chairman, of such political subdivision, the state examiner shall examine the books, records, and accounts of the treasurer, and clerk or auditor thereof, as the case may be. Fees for such services shall be paid by such school district, city, or village at the rate of fifteen dollars per day for the time actually employed in making such examination and audit, and said fees shall be paid into the state treasury.

Approved February 28, 1949.

CHAPTER 104

House Bill No. 149
(Baeverstad and Klefstad)

CONVERSION OF STATE BANKING ASSOCIATION INTO
NATIONAL BANKING ASSOCIATIONS

AN ACT

To amend and reenact Section 6-0311 of the North Dakota Revised Code of 1943 relating to the conversion of State Banking Associations into National Banking Associations or the merger or consolidation of State Banking Associations with other State Banking Associations or with National Banking Associations.

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

SECTION 1. AMENDMENT.) Section 6-0311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0311. CONVERSION, CONSOLIDATION OR MERGER.) Any two or more banks or trust companies, with the approval of the state examiner, may consolidate or merge into one bank under the charter of either existing bank on such terms and conditions as lawfully may be agreed upon by a majority of the board of directors of each bank or trust company proposing to consolidate or merge. Before becoming final, such consolidation or merger must be ratified and confirmed by the vote of the shareholders of each such bank or trust company owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors. Notice of such meeting and of the purpose thereof must be given to each shareholder of record by registered mail at least ten days prior to the meeting. The shareholders may unanimously waive such notice and may consent to such meeting and consolidation or merger in writing. The capital stock and surplus of such consolidated bank or trust company shall not be less than that required under this title for the organization of a bank or trust company of the class of the largest consolidating bank. Immediately after the consolidation or merger a full report thereof including a statement of the assets and liabilities of the consolidated bank or trust company shall be made to the state examiner by the surviving bank or trust company. Any State Banking Association may without approval by any state authority convert into or merge or consolidate with a National Banking Association as provided by federal law.

Approved February 28, 1949.

CHAPTER 105

House Bill No. 26

(Legislative Research Committee
at the request of the State Examiner)

**BORROWING, REDISCOUNTING AND PLEDGING OF ASSETS BY
BANKING ASSOCIATION; FORECLOSURES; PENALTIES**

AN ACT

To amend and reenact sections 6-0351, 6-0352, 6-0353, 6-0354, 6-0356, 6-0357 and 6-0358 of the North Dakota Revised Code of 1943, relating to borrowing, rediscounting and pledging of assets by state banking association; providing for foreclosures and prescribing penalties.

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

SECTION 1. AMENDMENT.) Section 6-0351 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0351. BORROWING, NORMAL AND EMERGENCY; LIMITATIONS.) Any state banking association shall have power to borrow money subject to the limitations of this chapter. Money borrowed from correspondent banks shall be evidenced by the promissory note or notes of the borrowing association, and no such association shall issue its certificate of deposit for money so borrowed or otherwise conceal the true nature of the transaction. Nothing herein shall affect the right of a state banking association to receive bona fide deposits from banks or other persons.

SECTION 2. AMENDMENT.) Section 6-0352 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0352. BORROWING AND REDISCOUNTING: AUTHORIZATION BY DIRECTORS.) No banking association shall borrow money, rediscount paper with recourse on it, or pledge securities for money borrowed or rediscounted paper, except in accordance with express authority conferred by resolution of its board of directors indicating the officer or officers who are authorized to borrow, rediscount, and pledge and the extent of their authority. Every such resolution shall be entered in the minute book of the association, but a copy of such resolution certified as such by an officer of the association, authenticated by the seal of the association and accepted and acted upon by another bank or other lender

in good faith shall be conclusive evidence of the existence and terms of the resolution.

SECTION 3. AMENDMENT.) Section 6-0353 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0353. BORROWING AND REDISCOUNTING: REPORT REQUIRED.) Whenever a state banking association shall borrow money or rediscount with recourse such association shall immediately make a full written report of the transaction to the state examiner, which report shall include a full description of all collateral security given or to be given by such association for the credit obtained. Whenever it appears to the state examiner that any association is borrowing money or rediscounting its paper with recourse for the purpose of making or carrying speculative loans or investments or that the association is in an extended or unsound condition, the state examiner after reasonable notice and an opportunity for a hearing may by written order to the association require it to discharge its liability for borrowed money or on rediscounted paper either in full or to such extent as the order may specify. If the association so notified shall fail to comply with such order within thirty days of the receipt thereof, it shall thereafter cease to make any new loans or investments until such order has been complied with, and any director, officer, or employee of the association who authorizes or in any way participates in the making of any new loan or investment in violation of the provisions of this section shall be personally liable to the association for all losses sustained by it in connection with any such new loan or investment.

SECTION 4. AMENDMENT.) Section 6-0354 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0354. PLEDGE; RATIO TO ASSETS.) It shall be unlawful for any state banking association to pledge or hypothecate more than one and one-half dollars of the face value of any of its assets for each one dollar of money borrowed, except with written authority from the state examiner.

SECTION 5. AMENDMENT.) Section 6-0356 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0356. UNLAWFUL BORROWING, REDISCOUNTING, ENDORSING, PLEDGING BY OFFICERS, EMPLOYEES, AND ACCESSORIES; MISDEMEANOR.) Any officer, director, agent, or employee of any state banking association who shall borrow money for, or on behalf or in the name of such association or obligate any such asso-

ciation upon rediscounted paper, or pledge any of the assets of such association in violation of the provisions of this chapter shall be guilty of a misdemeanor and shall be personally liable to the association for any loss it shall sustain on account of such illegal action, but no such violation shall affect the validity of any loan, endorsement, or pledge in the hands of any federal reserve bank or federal lending agency or commercial bank correspondent who shall have loaned money to the association or discounted its paper in good faith and in reliance upon a certified copy of a resolution complying with section 6-0352.

SECTION 6. AMENDMENT.) Section 6-0357 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0357. FORECLOSURE OF PLEDGE CONTRACTS.) Except as otherwise provided in chapter 7 of this title, no pledge made by an association shall be foreclosed except by an action in equity brought in the district court of the county in which the pledgor association is located, except where assets are pledged by a state banking association in order to secure borrowed money or the obligation of the association on rediscounted paper, the rights of the pledgee shall be determined by the terms of the agreement of pledge, and if the pledged assets are outside of this state, the foreclosure of the pledge shall be governed by the laws of the state where the pledge is located, and sections 6-0721 to 6-0729, inclusive, of this title shall not apply.

SECTION 7. AMENDMENT.) Section 6-0358 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0358. UNLAWFUL REDISCOUNTS, BORROWINGS, AND PLEDGINGS.) It shall be unlawful for any state banking association either directly or indirectly, to make any rediscount or contract to borrow money, nor shall it borrow money, or pledge or hypothecate, nor contract to pledge or hypothecate, any of its assets except in accordance with the provisions of this chapter.

Approved March 15, 1949.

CHAPTER 106

House Bill No. 148
(Klefstad and Baeverstad)

AUTHORIZED SAVINGS BANKS INVESTMENTS

AN ACT

To amend and reenact Section 6-0404 of the North Dakota Revised Code of 1943 relating to investments authorized.

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

SECTION 1. AMENDMENT.) That section 6-0404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0404. INVESTMENTS AUTHORIZED.) A savings bank incorporated under this chapter shall invest its deposits as follows:

1. In bonds of the United States;
2. In bonds or evidences of debt of this state or in bonds of other states in the United States;
3. In bonds or warrants of any county, city, village, township, or school district in this state, issued pursuant to authority of law, but not to exceed thirty percent of the assets of any savings bank may be invested in such bonds or warrants;
4. In notes or bonds secured by mortgage or deed of trust upon unencumbered, improved real estate in this state, if such investment shall not exceed fifty percent of the actual cash value of the property mortgaged, and fire and tornado insurance policies are maintained and deposited as collateral to such mortgage;
5. In listed first lien, public utility, industrial, or foreign bonds, but not to exceed ten percent of its capital and surplus may be invested in any one issue thereof, and not to exceed twenty-five percent of its total deposits may be invested in bonds of the kinds specified in this subsection;
6. In promissory notes due not more than one year from the date of the loan, but not to exceed forty percent of its total deposits may be invested therein; and
7. The obligations issued, assumed or guaranteed by International Bank for Reconstruction and Development.

Approved February 28, 1949.

CHAPTER 107

House Bill No. 150
(Klefstad and Baeverstad)

SECURITY DEPOSIT INVESTMENTS REQUIRED, ANNUITY,
SAFE DEPOSIT, SURETY, AND TRUST COMPANIES

AN ACT

To amend and reenact section 6-0504 of the North Dakota Revised Code of 1943 relating to Security Deposit Investments required, and securities in which investment may be made.

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

SECTION 1. AMENDMENT.) That section 6-0504 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0504. SECURITY DEPOSIT INVESTMENTS REQUIRED; SECURITIES IN WHICH INVESTMENT MAY BE MADE.) Every corporation organized under this chapter shall be required to deposit with the state treasurer securities of the amount of at least fifty thousand dollars, and such deposit shall not be permitted, at any time, to be less than said amount or less than one-sixth of the par value of the capital stock of the corporation, whichever is the greater. The securities so deposited shall be:

1. Bonds of the United States or of the state of North Dakota;
2. Bonds of other states which shall have the approval of the state auditor and the state examiner;
3. Bonds or obligations of any township, school district, city, village, or county within this state, whose total bonded indebtedness does not exceed five percent of the then assessed valuation thereof;
4. Bonds or promissory notes secured by first mortgages or deeds of trust upon unencumbered real estate situated within the state of North Dakota worth two and one-half times the amount of the obligation so secured;
5. Mortgage bonds of any railroad corporation incorporated under the laws of any state of the United States, if during each of the ten fiscal years of such railroad's corporate existence next preceding the date of such investment it shall have paid the matured principal and interest of all of its mortgage indebtedness, and shall have paid in dividends, in cash, to its stockholders, an amount of at least four percent per annum upon all of its outstanding stock of every class; or

6. Obligations issued, assumed or guaranteed by International Bank for Reconstruction and Development.

Approved February 28, 1949.

CHAPTER 108

House Bill No. 273
(Fitch)

INVESTMENT TRUST COMPANIES

AN ACT

Authorizing the creation, establishment and operation of Investment Trust Companies in the State of North Dakota, providing for the supervision thereof by the State Examiner, and regulating the business to be conducted by such companies.

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

SECTION 1. INVESTMENT TRUST COMPANIES AUTHORIZED.) Any number of persons, not less than five, at least three of whom must be residents of this state, may associate themselves together for the purpose of organizing and operating an investment trust company. They shall enter into articles of association which shall specify in general terms the object for which the association is formed and which may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles must be signed and acknowledged by the persons uniting to form the association and shall be filed in the office of the secretary of state.

SECTION 2. CAPITAL STOCK.) The capital stock of any such association shall not be less than twenty-five thousand dollars, and shall be divided into shares of such par value as may be provided in its articles of incorporation. Such stock shall be paid up in full before any association incorporated under this act shall be authorized to commence business.

SECTION 3. ORGANIZATION CERTIFICATE. CONTENTS.) The persons uniting to form such an organization, under their hands, shall make an organization certificate which shall state specifically:

1. The name assumed by such association, and such name shall not be the name of any other similar association in this state;

2. The place where the business of the organization is to be carried on;
3. The amount of capital stock and the number of shares into which the same shall be divided;
4. The names and places of residence of the shareholders and the number of shares held by each of them; and
5. The respective dates at which such association shall commence and terminate business.

SECTION 4. ACKNOWLEDGMENT OF CERTIFICATE.) The organization certificate shall be acknowledged before the clerk of some court of record, or a notary public, and, together with the acknowledgment thereof, shall be authenticated by the seal of such court or notary. The certificate, together with the articles of incorporation, shall be filed with the secretary of state, and shall be accompanied by the same fees as fixed for the organization of other general corporations.

SECTION 5. CHARTER, ISSUANCE OF. RENEWAL.) Upon receipt of the organization certificate and the articles of incorporation, as hereinbefore provided, the secretary of state shall issue to said association a charter. The term of such charter shall be for a period of twenty years, but same may be renewed in the same manner as charters for general corporations.

SECTION 6. CORPORATION LAWS APPLICABLE.) Except as herein specifically otherwise provided such corporation shall be subject to all of the laws of the state of North Dakota, or acts amendatory thereof, relating to general corporations.

SECTION 7. SUPERVISION.) Such association shall be under the direct supervision of the state examiner, and the state examiner shall have the power to make such rules and regulations, not inconsistent with law, governing the operation of the business of such association as to him may seem proper, including the maximum rate of interest which may be paid upon its deposits.

SECTION 8. POWERS.) In addition to powers under the general corporation law, such association shall have the power to invest its funds, subject to regulations of the state examiner, in the stock, debentures, bonds or other types of securities of established and going business concerns, and to loan money to such concerns. It shall also have the power to provide business management service and counsel to such business concerns. No investment, however, shall be made in the securities, and no loans made, to any concern unless it or its immediate predecessor concern has shown an average net profit of five per cent per annum over a period of the five preceding calendar years.

SECTION 9. INVESTMENT TRUST CERTIFICATE.) Such association shall have the power to issue and sell its investment trust certificates; but the state examiner shall prescribe rules and regulations governing the maximum rate of interest, the ratio of such investment trust certificates to its capital structure, and the amount of reserve which such association shall be at all times required to maintain.

SECTION 10. EXAMINATIONS. FEES. REVOCATION OF CHARTER.) The state examiner may at any time, and at least once each year, shall examine every such association, and such association shall pay into the state treasury for such examination the same fees as are by law provided for the examination of state banks. In the event that the state examiner, either as a result of any such examination, or from other information brought to his attention, believes that such association is conducting its business in an unsound or unsafe manner, or in violation of law, he shall cause to be served upon such association an order to show cause why its charter should not be revoked. Notice of the hearing upon such order to show cause shall be served upon an officer of such association at least fifteen days prior to such hearing, together with a statement of the specific charges or violations of law complained of. Such association at such hearing shall be entitled to be represented by counsel, and in the case of the entry of an order suspending or revoking its charter, shall have the right of appeal therefrom to the court.

SECTION 11. SECRETARY OF STATE TO REVOKE CHARTER. WHEN.) In addition to the other provisions of law with reference to revocation of corporate charters the secretary of state shall upon receipt from the state examiner of a certified copy of a final order suspending such association and directing cancellation of its charter, immediately enter upon his records an order revoking the charter of any such association, and thereafter no such association shall be permitted to continue its business.

Approved March 11, 1949.

CHAPTER 109

Senate Bill No. 117

(Senator Page)

TIME LIMIT FOR RETENTION OF OLD BANK RECORDS
AND FOR BRINGING ACTION ON ACCOUNTS

AN ACT

Fixing a limit on the time that old records must be retained by a bank, and limiting the time in which an action may be commenced on accounts.

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

SECTION 1. RETENTION OF RECORDS.) No bank shall be required to preserve and retain its records of accounts or files for a longer period than six years next after the first day of January of the year following the date of such records or files.

SECTION 2. ACTIONS ON ACCOUNTS AND CLAIMS LIMITED.) No depositor or other creditor shall commence an action against a bank on any account or claim of any kind after the expiration of the six year period provided for in section 1 of this act, unless such depositor or creditor shall have, within such six year period, made demand in writing on such bank requesting a settlement or adjustment of such claim; provided, however, that ledger sheets showing unpaid balances in favor of depositors shall not be destroyed and nothing in this act shall be construed as limiting the time when actions may be brought to recover such balances.

Approved March 7, 1949.

CHAPTER 110

Senate Bill No. 125

(Braun and Duffy)

COLLECTION, PAYMENT AND DISHONOR OF DEMAND ITEMS
BY BANKS; REVOCATION OF CREDIT

AN ACT

Relating to the collection, payment and dishonor of demand items by banks and the revocation of credit for and payment of such items.

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

SECTION 1. DEFERRED POSTING AUTHORIZED.) In any case in which a bank receives, other than for immediate payment over the counter, a demand item payable by, at, or through such bank and gives credit therefor before midnight of the day of receipt, the bank may have until midnight of its next business day after receipt within which to dishonor or refuse payment of such item. Any credit so given, together with all related entries on the books of the receiving bank, may be revoked by returning the item, or if the item is held for protest or at the time is lost or is not in the possession of the bank, by giving written notice of dishonor, nonpayment or revocation, provided that such item or notice is dispatched in the mails or by other expeditious means not later than midnight of the bank's next business day after the item was received. For the purpose of determining when notice of dishonor must be given or protest made under the law relative to negotiable instruments, an item duly presented credit for which is revoked as authorized by this act, shall be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this act, is entitled to refund of, or credit for, the amount of the item.

SECTION 2. DEFINITIONS.) For the purpose of this act:

1. An item received by a bank on a day other than its business day, or received on a business day after its regular business hours or during afternoon or evening period when it has reopened or remained open for limited functions, shall be deemed to have been received at the opening of its next business day;
2. The term, "credit" includes payment, remittance, advice of credit, or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes the making of appropriate entries to the receiving bank's general ledger without regard to whether the item is posted to individual customers' ledgers; and
3. Each branch or office of a bank shall be deemed a separate bank.

SECTION 3. VARIED BY AGREEMENT.) The effect of this act may be varied by agreement.

Approved March 8, 1949.

CHAPTER 111

House Bill No. 167
(Callahan and Klefstad)

HOLIDAY BANK TRANSACTIONS

AN ACT

Relating to holiday bank transactions.

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

SECTION 1. HOLIDAY TRANSACTIONS.) Nothing in any law in this state shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, certification, or acceptance of a check or other negotiable instrument or any other transaction by a bank or trust company in this state because done or performed during any time other than regular banking hours, provided, further, that nothing herein shall be construed to compel any bank or trust company in this state, which by law or custom is entitled to close at twelve o'clock noon on any Saturday, or for the whole or any part of any legal holiday, to keep open for the transaction of business, or to perform any of the acts or transactions aforesaid on any Saturday after such hour, or on any legal holiday, except at its own option.

Approved March 9, 1949.

CHAPTER 112

House Bill No. 97
(Callahan, Wolf, Stair, Maher, Wadson, Mollet,
Bentz and Klefstad)

BANK OF NORTH DAKOTA COLLECTION ITEMS FOR PUBLIC
BILLS PAYABLE AT PAR, PENALTY

AN ACT

To amend and reenact section 6-0913 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:*

SECTION 1. AMENDMENT.) Section 6-0913 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0913. COLLECTION ITEMS MUST BE PAID TO BANK OF NORTH DAKOTA AT PAR; VIOLATION A MISDEMEANOR.) All checks and other instruments and items of exchange payable on demand issued in payment of public bills to the state of North Dakota and its political subdivisions or any department of either sent by the Bank of North Dakota to any state bank or banking association in North Dakota, for collection, shall be remitted for at par by such state bank or banking association to the Bank of North Dakota if good on the day presented. Any person or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

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

Approved February 25, 1949.

CONTRACTS AND OBLIGATIONS

CHAPTER 113

House Bill No. 114
(Klefstad and Murray)

ASSIGNMENTS OF ACCOUNTS RECEIVABLE

AN ACT

Relating to notice of assignments of accounts receivable, defining "account receivable" and setting forth the effect of such assignments as against creditors and subsequent purchasers and encumbrancers of such account.

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

SECTION 1. DEFINITIONS.) As used in this Act, the following words and phrases shall have the meaning hereinafter set forth:

1. "Accounts receivable" means an obligation for the payment of money, due or which may become due, arising out of,
 - a. The sale, conditional sale, manufacture, lease, repair, processing or fabrication of personal property;
 - b. The improvement of real estate;

- c. The improvement or construction of private or public works;
 - d. The rendering of services, or
 - e. A loan or advance, but excluding any obligation for which a party indebted or obligated has given or shall give a negotiable instrument, or which has been reduced to judgment, or secured by a lien on real estate or by a written conditional contract of sale of personal property.
2. "Assignor" means any person, firm or corporation who or which, by written instrument, assigns an account receivable for a past or present valuable consideration, by way of sale, pledge or otherwise, and
 3. "Assignee" means any person, firm or corporation to whom an account receivable is so assigned.

SECTION 2.) Whenever an assignor or an assignee of an account receivable, within thirty days after the assignment thereof, shall have made or caused to be made upon the books of account or other records maintained by the assignor evidencing or showing the account receivable, a notation in such form or wording as to disclose, upon an inspection of such books or records, that such account receivable has been assigned and the name and address of the assignee, such notation shall validate the assignment as of the date of its making and shall constitute full and sufficient notice of the assignment as against the creditors of the assignor and subsequent purchasers and encumbrancers of the account receivable, notwithstanding that notice of such assignment may not have been given to the party or parties indebted or obligated to pay the account receivable, but such notation shall not in anywise be notice to, or affect the rights and powers of any party so indebted or obligated. Where the instrument of assignment assigns or agrees to assign additions to assigned accounts receivable or future accounts receivable contracted by the same debtor, the notation herein provided for may be entered upon the books of account or records of the assignor which pertain or will pertain to such additions or future accounts and in such case shall be effective as notice, as aforesaid, as of the date of the instrument of assignment. Where a party indebted or obligated to pay the account receivable has given or shall give a promise to pay the same which is in the form of a non-negotiable bond, bill of exchange, note, or certificate of indebtedness, which is treated as negotiable in fact by common business practice, the notation shall constitute such notice only if such instrument is legally transferred to the assignee. This Act shall not be construed as requiring such notation in order to create a valid and effective assignment of an account receivable which, without such notation, would be valid and effective in law or in equity.

Approved February 21, 1949.

CORPORATIONS

CHAPTER 114

House Bill No. 256

(Maher, Haugen of McLean, Lindberg, Erickson)

**DEFINING SECURITIES EXEMPTED FROM
SUPERVISION OF ISSUE AND SALE****AN ACT**

To amend and reenact section 10-0403 of the 1947 Supplement to the North Dakota Revised Code of 1943, defining securities exempted from the provisions of Chapter 10-04 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:

SECTION 1. AMENDMENT!) Section 10-0403 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-0403. SECURITIES EXEMPTED FROM THE PROVISIONS OF THIS CHAPTER.) The provisions of this chapter, except as otherwise herein expressly provided, shall not apply to the following securities:

1. Any security issued or guaranteed by the United States or by any state, territory, or insular possession thereof;
2. Any security which is a general obligation of, or which is or may be payable directly or indirectly from ad valorem taxes levied by any county, city, village, township, school district, or other public taxing subdivision of the United States or of any state, territory, or insular possession thereof, or payable from assessments for improvements or revenues of publicly owned utilities therein; if in each of the ten fiscal years next preceding the date of the issuance of the securities, the issuing taxing district has paid the matured principal and interest due on all of its outstanding general obligations, and if its net debt, as defined by law under which the securities are issued, does not exceed ten percent of the assessed valuation of all of the taxable property within such taxing district;
3. Any security issued or guaranteed as to principal, interest, or dividends, by a corporation owning or op-

- erating a railroad or other public service utility, if the corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its securities by a public service commission, or by a board, body, or official having like powers, of the United States or of any state, territory, or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada or any province thereof. Provided, however, that a corporation issuing securities, exempted under this subdivision, and who have not filed an application for approval of such securities with the public service commission of the state of North Dakota, shall file with the secretary of the North Dakota securities commission a copy of the registration statement with all amendments thereto filed with the securities and exchange commission of the United States, if such a registration statement is made or filed, or a copy of the information statement made to or filed with any commission, board, or body of the United States or of any state, territory, or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada, or any province thereof, by which said corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its securities, and shall pay a filing fee of twenty-five dollars;
4. Any equipment security based on a chattel mortgage, lease, or agreement for the conditional sale of cars, motive power, or other rolling stock mortgaged, leased, sold to or furnished for the use of a railroad or other public service utility corporation, and any equipment security where the ownership of or title to such equipment is pledged or retained in accordance with the provisions of the laws of the United States or of any state thereof, or of the Dominion of Canada, to secure the payment of such equipment security whether it be an equipment trust certificate, bond, or note;
 5. Any bond, note, or other evidence of debt issued by a holding corporation and secured by collateral consisting of any of the securities described in subsection 3 and 4 of this section, if the collateral securities equal in fair value at least one hundred twenty-five percent of the par value of the bonds, notes, or other evidences of debt secured thereby. Before any security described in this subsection is offered for sale,

the person intending to offer it shall file with the commission descriptive circulars of the collateral securities, and pay a filing fee to the commission of twenty-five dollars, and unless the commission makes its order within three days after the receipt of such circulars requiring the securities to be qualified by application under this chapter, the securities shall be exempt;

6. The securities of any state or national bank or trust company, or of any building and loan association, or savings and loan associations or credit union; authorized to do business in this state and securities of any corporation, firm or association, subject to examination by the state examiner;
7. The securities of any domestic corporation organized without capital stock for charitable or reformatory purposes; or
8. Any security listed on the New York stock exchange, the New York curb exchange, or the Chicago stock exchange and such other exchanges as may be approved by the North Dakota securities commission, pursuant to official authorization by the exchange on which it is listed and any additional amount of such listed securities which may have been approved for listing upon notice of issuance by said stock exchanges named or hereafter approved by the North Dakota securities commission, and all securities senior to any securities so listed or represented by subscription rights which have been so listed, and any evidence of indebtedness guaranteed by any company the stock of which is so listed. Securities exempted under this subsection shall be exempt only so long as the listing herein described remain in effect;
9. Any security issued by any corporation, cooperative, company or association, whose earnings are distributed to its members, stockholders, or patrons according to patronage.

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

Approved March 15, 1949.

CHAPTER 115

Senate Bill No. 228
(Day)

CORPORATE MEETINGS, WHERE HELD; APPOINTMENT
RESIDENT AGENT

AN ACT

To amend and reenact section 10-0513 of the North Dakota Revised Code of 1943, providing the place of holding stockholders' and directors' meetings of corporations; providing for place of keeping minutes and providing for appointment of resident agency when directors' meeting held outside state.

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

SECTION 1. AMENDMENT.) Section 10-0513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

10-0513. MEETINGS OF STOCKHOLDERS AND DIRECTORS: WHEN HELD; MINUTES TO BE KEPT; APPOINTMENT OF RESIDENT AGENT.) The meetings of stockholders of any corporation created and existing under and by virtue of the laws of this state held for the purpose of the election of directors may be held at such place within or without the state as may be provided in its by-laws except that if a resident stockholder, within thirty days before the annual meeting, files with the secretary of the corporation a written demand that such meeting be held within this state, then such meeting shall be held within this state. The originals or attested copies of all minutes of all meetings of the stockholders and directors of such corporation must be kept at the office or principal place of business of such corporation within this state. Meetings of the board of directors may be held at any place within or without the state as may be provided in the by-laws. Any such corporation holding the meetings of its directors without this state must have appointed an agent resident in this state upon whom service may be made, and filed such appointment in the office of the secretary of state.

Approved March 19, 1949.

CHAPTER 116

House Bill No. 239

(Haugen of McLean, Lindberg, Erickson and Maher)

ADOPTION STATUTORY PROVISIONS GOVERNING MUTUAL AID
CORPORATIONS BY CORPORATIONS, ETC. ORGANIZED
UNDER PREVIOUS STATUTES

AN ACT

Authorizing any corporation or association organized under previously existing statutes, to adopt and be bound by the provisions of chapter 10-12 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:

SECTION 1.) Any corporation or association organized and incorporated under previously existing statutes having not less than five stockholders or members, which, by a majority vote of its stockholders or members, shall amend its articles of incorporation to provide for the acceptance of the provisions of chapter 10-12 of the North Dakota Revised Code of 1949, shall have the benefit and shall be bound by all the provisions of such chapter, upon filing with the secretary of state a certificate signed by its president and secretary setting forth such amendment and the vote by which it was adopted.

Approved March 10, 1949.

COUNTIES

CHAPTER 117

Senate Bill No. 178

(Blume, Troxel and Solberg)

COUNTY REDISTRICTING

AN ACT

To amend and reenact section 11-0704 of the North Dakota Revised Code of 1943 relating to the redistricting of counties.

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

SECTION 1. AMENDMENT.) Section 11-0704 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-0704. HOW COUNTY REDISTRICTED.) In redistricting a county, the redistricting board shall make the districts as regular and compact in form as practicable, and as nearly equal in population as possible. The equality of population in the districts shall be determined by the vote cast at the last preceding general election. No new district shall be so formed that any two of the then acting commissioners shall reside in the same district, nor shall any county be so redistricted that any municipality therein shall form any part of a majority of the commissioner districts in such county.

Approved February 26, 1949.

CHAPTER 118

Senate Bill No. 5
(Legislative Research Committee)

BOND COUNTY JUSTICE OF PEACE

AN ACT

To correct a typographical error appearing in subsection 8 of section 11-1006 of the North Dakota Revised Code of 1943.

The bond of a county justice of the peace has always been five hundred dollars, and by typographical error in the printing of the North Dakota Revised Code of 1943 the amount of such bond appears as five thousand dollars.

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

SECTION 1. CORRECTION.) Subsection 8 of section 11-1006 of the North Dakota Revised Code of 1943 is hereby corrected and reenacted to read as follows:

11-1006. BONDS OF COUNTY OFFICERS.) Before entering upon the duties of their respective offices, the county officers herein named shall be bonded for the faithful discharge of their respective duties in the same manner as other civil officers are bonded and in the following amounts:

8. Each justice of the peace, five hundred dollars.

Approved March 7, 1949.

CHAPTER 119

Senate Bill No. 208
(Lichty, Torno, Duffy and Tuff)

COUNTY COMMISSIONERS COMPENSATION;
INCREASE FOR 1949, 1950, 1951, AND 1952

AN ACT

Providing an increase in compensation to county commissioners during the calendar years 1949, 1950, 1951, and 1952, making such increase retroactive to January 1, 1949, and declaring an emergency.

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

SECTION 1.) For the calendar years 1949, 1950, 1951, and 1952, each county commissioner shall be allowed the sum of seven dollars per day while performing the duties of his office and actual living expenses and travel expenses as otherwise provided by law. The total compensation and expenses, including per diem, board and lodging and transportation expense received by any member of the board of county commissioners in any county having a population of eight thousand or less shall not exceed twelve hundred dollars per annum during such years.

SECTION 2.) This act shall not be construed to constitute either an amendment or a repeal of the provisions of subsection 3 of section 11-1010 of the 1947 Supplement to the North Dakota Revised Code of 1943, but shall be construed as authorizing additional compensation during the calendar years 1949, 1950, 1951, and 1952, and those years only.

SECTION 3.) The provisions of this act authorizing increase in compensation as herein provided shall be retroactive to January 1, 1949.

SECTION 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 8, 1949.

CHAPTER 120

Senate Bill No. 115
(Feton, Morgan, Wahlund, Schrock)

SALARIES COUNTY OFFICERS

AN ACT

To increase the salaries of county auditors, county treasurers, sheriffs, county superintendent of schools, register of deeds, county judges, state's attorneys, and clerks of the district court during the calendar years 1949, 1950 and 1951, making such increase retroactive to January 1, 1949 and declaring an emergency.

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

SECTION 1.) For the calendar years 1949, 1950 and 1951 the county auditor, county treasurer, sheriff, county superintendent of schools, register of deeds, county judge, state's attorney and clerk of the district court in each county shall receive the following annual salary payable monthly for official services rendered:

1. Two thousand four hundred dollars in counties having a population not exceeding five thousand;
2. Two thousand four hundred fifty dollars in counties having a population exceeding five thousand and not exceeding six thousand;
3. Two thousand five hundred dollars in counties having a population exceeding six thousand and not exceeding seven thousand;
4. Two thousand six hundred dollars in counties having a population exceeding seven thousand and not exceeding eight thousand;
5. In counties having a population in excess of eight thousand the sum of two thousand seven hundred dollars plus additional compensation of forty dollars per year for each one thousand additional population or major fraction thereof;
6. In counties having a county court of increased jurisdiction the county judge shall receive the salary he would receive if such court did not have increased jurisdiction and, in addition, the sum of one hundred dollars for each one thousand inhabitants or fraction thereof in such county; provided that in no case shall the maximum of such compensation exceed the sum of three thousand three hundred dollars in coun-

ties having a population of thirty thousand or less and in no case shall the maximum of such compensation exceed the sum of three thousand five hundred dollars in counties having a population exceeding thirty thousand based on this United States government census of 1940.

7. Provided, further, that in no case shall the maximum of such compensation exceed the sum of three thousand two hundred dollars in counties having a population of thirty thousand or less and in no case shall the maximum of such compensation exceed the sum of three thousand five hundred dollars in counties having a population exceeding thirty thousand based on the United States government census of 1940.

SECTION 2.) This act shall not be construed to constitute either an amendment or a repeal of any of the provisions of section 11-1010 of the North Dakota Revised Code of 1943, or section 27-0808 of the 1947 Supplement to the North Dakota Revised Code of 1943, but shall be construed as authorizing additional compensation to the schedule of salaries provided by said sections during the calendar years 1949, 1950 and 1951, and those years only.

SECTION 3.) The provisions of this act authorizing increase in salaries as herein provided shall be retroactive to January 1, 1949.

SECTION 4. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 17, 1949.

CHAPTER 121

House Bill No. 228

(Haugen of McLean, Homelvig, Thompson of
McLean, Snow and Schade)

MILEAGE COUNTY OFFICIALS

AN ACT

To amend and reenact Section 11-1015 of the North Dakota Revised Code of 1943; providing for mileage of county officials unless otherwise provided by the laws of this state, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 11-1015 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

SECTION 11-1015. MILEAGE OF OFFICIALS.) Unless otherwise provided by the laws of this state, every county official whether elective or appointive, and every deputy of a county official, entitled by law to travel or mileage expense, shall be allowed or paid only the following amounts for each mile actually and necessarily traveled in the performance of official duties;

1. Ten cents per mile when such travel is by team;
2. Seven and one-half cents per mile when such travel is by motor vehicle; and
3. When such travel is by rail or other common carrier, the amount actually and necessarily expended therefor.

SECTION 2. EMERGENCY.) An emergency is hereby declared to exist and this act shall be in full force and effect from and after the date of its passage and approval.

Approved March 9, 1949.

CHAPTER 122

House Bill No. 116

(Leet, Skaar and Stormon of Ramsey)

COUNTY TREASURER'S SCHOOL DISBURSEMENT REPORTS

AN ACT

To amend and reenact section 11-1414 of the North Dakota Revised Code of 1943, relating to county treasurer's reports of disbursements to school districts.

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

SECTION 1. AMENDMENT.) Section 11-1414 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1414. REPORTS OF DISBURSEMENTS OF FUNDS TO SCHOOL DISTRICTS.) Annually, on the first day of July, the county treasurer shall:

1. File with the county superintendent of schools an itemized statement of all funds remitted by him during the preceding school year to the treasurer of each school district in the county;
2. Send to the treasurer of each school district in the county an itemized statement of all payments made by the county treasurer during the preceding school year; and
3. Send to the clerk of the school board or secretary of the board of education of each school district in the county a copy of the statement sent to the treasurer of his district pursuant to the provisions of subsection 2 of this section.

Such statement shall be made in substantial conformity with the forms prepared by the superintendent of public instruction for the annual report of school district treasurers.

Approved February 15, 1949.

CHAPTER 123

House Bill No. 129
(Murray, Frank, Collette)

SHERIFF'S MILEAGE

AN ACT

To amend and reenact section 11-1512 of 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:

SECTION 1. AMENDMENT.) Section 11-1512 of 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 his actual and necessary travel expenses.

Approved February 15, 1949.

CHAPTER 124

House Bill No. 335

(Anderson of Ransom and Nygaard by request)

CLERK OF COURT; DUTIES; DEPUTIES IN CERTAIN
COUNTIES, ETC.

AN ACT

To amend sub-paragraph numbered 2 of Section 11-1701 of the North Dakota Revised Code of 1943, relating to the duties of the Clerk of Court; and to provide for the appointment of deputies in certain counties, official bonds for such deputies, and providing for fixing salaries, and prescribing duties for such deputies, and declaring an emergency.

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

SECTION 1. AMENDMENT.) That sub-paragraph numbered 2 of Section 11-1701 of the North Dakota Revised Code of 1943 be, and the same is hereby, amended and reenacted to read as follows:

SECTION 11-1701.

2. Act as clerk of the District Court and attend each session thereof, and attend the judge of the district court in chambers when requested to do so; provided, that in counties having a county court of increased jurisdiction and the county judge is ex-officio clerk of the district court, there may be appointed by such judge a deputy clerk of court when authorized by the board of county commissioners, who shall fix the salary and provide the amount of bond to be furnished. Such deputy clerk of court shall, when requested by the county judge, attend sessions of the district court and attend the judge of the district court in chambers, and perform such other duties as may be assigned such deputy by the judge of the county court.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 11, 1949.

CHAPTER 125

House Bill No. 235
(Stormon of Rolette, Graham, and Brickner)

NOTICE OF DIVORCE OR MARRIAGE ANNULMENT TO
STATE REGISTRAR OF VITAL STATISTICS

Title 14

AN ACT

Providing that clerks of district courts, in which decrees of divorce, or judgments of annulments of marriages have been entered, to furnish information to the State Registrar of Vital Statistics relating to such decrees or judgments.

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

SECTION 1.) The clerk of the district court in which any decree of, or judgment of divorce, or annulment of marriage has been entered, shall within 15 days of the filing thereof notify the state registrar of vital statistics of the entry of the decree or judgment of divorce or annulment of marriage and shall furnish such information relating thereto as the state registrar may require upon such forms as may be furnished by the state registrar.

Approved Februray 21, 1949.

CHAPTER 126

Senate Bill No. 187
(Flatt, Schrock, Spiekermeier)

CORONERS FEES

TITLE 11 -- COUNTIES

AN ACT

To amend and reenact section 11-1923 of the North Dakota Revised Code of 1943, relating to fees which may be charged by coroners.

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

SECTION 1. AMENDMENT.) Section 11-1923 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1923. FEES TO BE CHARGED BY CORONER.) The coroner shall be entitled to charge and to receive the following fees:

1. For all services performed in connection with any one case, whether inquest is held or not, ten dollars;
2. For each mile actually traveled to and returning from an examination of inquest, the same rate per mile as is or may be specified for sheriffs;
3. For physician making a post mortem examination of a dead body, ten dollars; and
4. For other services rendered, the same fees and mileage as is specified for sheriffs.

Approved March 8, 1949.

CHAPTER 127

House Bill No. 2
(Legislative Research Committee)

COUNTY HIGHWAY ENGINEER

AN ACT

To amend and reenact chapter 11-31 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to county highway engineers; providing for election for creation and termination of office of county highway engineer, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 11-3101 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3101. COUNTY HIGHWAY ENGINEER.) The board of county commissioners of any county in this state may at the discretion of the board employ a qualified county highway engineer at any time or the office of county highway engineer may be created in any county in this state by an election duly held.

SECTION 2. ELECTION FOR CREATION OR TERMINATION OF OFFICE OF COUNTY HIGHWAY ENGINEER.) Upon the filing with the county auditor of a petition signed by not less than five percent of the qualified electors of the county as determined by the total number of votes cast in the last election, representing not less than seven percent of the voting precincts of the county, asking that an election be held on the question of the creation of the office of county highway engineer, the board of county commissioners shall submit the question at the next regular primary or general elec-

tion. Notice of the election shall be given in the manner prescribed by law for the submission of questions to the electors of a county under the general election law. If a majority of the votes cast on the question are in favor thereof, the office of county highway engineer shall be established and the board of county commissioners shall fill such office by appointment. The office so created shall not be terminated except upon the instruction of a majority of the qualified electors voting on the question in an election similarly held but any engineer appointed to fill such office may be removed from office by action of the board.

SECTION 3. AMENDMENT.) Section 11-3102 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3102. QUALIFICATION AND EMPLOYMENT BASIS.) The person employed or appointed as county highway engineer must be a duly qualified highway engineer. The compensation and other terms of service of such engineer shall be determined by the board of county commissioners and may be on a monthly or a per diem basis. Several counties may employ or appoint the same engineer.

SECTION 4. AMENDMENT.) Section 11-3103 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3103. POWERS AND DUTIES.) Under the direction and supervision of the board of county commissioners the county engineer shall:

1. Design and make plans for county and township highways;
2. Set up a comprehensive plan of county highways, showing by the use of maps existing roads, operations in progress and future plans;
3. Superintend county construction and maintenance operations pertaining to highways and bridges;
4. Keep a complete record of costs and expenditures;
5. Check all accounts, claims and demands for expenditures in connection with all matters supervised by the county engineer and indicate his recommendation prior to the submission of such accounts, claims and demands to the board of county commissioners;
6. Keep a complete inventory of all equipment, repairs, gasoline and oil and miscellaneous items;

7. Supervise the use and disposition of all county owned road equipment and materials;
8. Employ and supervise all other personnel engaged in county road operations, terminating such employment when required in the best interest of the county;
9. Prepare and submit to the board of county commissioners a complete yearly report and such additional reports as may be required by the board of county commissioners at any time;
10. Cooperate with the public roads administration or successors, the North Dakota state highway department and the townships of the county; and
11. Perform such other duties as may be designated by the board of county commissioners.

When so directed by the board of county commissioners, the county engineer shall also, under the direction and supervision of the board of county commissioners, or the drainage board, as the case may be, prepare plans and specifications and supervise the construction and repair of drainage ditches.

SECTION 5. AMENDMENT.) Section 11-3104 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-3104. MANNER OF PAYMENT OF COMPENSATION.) Payment for the work actually performed by the county engineer may be made out of the county road and bridge fund or the general funds of the county upon certified vouchers showing the time actually expended and the contract price agreed upon. Such vouchers shall be filed with the county auditor and approved by the board of county commissioners, in the manner now provided by law for the filing and approval of other claims against the counties.

SECTION 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 8, 1949.

CHAPTER 128

House Bill No. 272
(Hegge, Schwartz and Murray)

ERECTION AND OPERATION OF WAR MEMORIALS

AN ACT

To amend and reenact section 3 of chapter 125 of the North Dakota Session Laws of 1947, relating to the erection and operation of war memorials; authorizing a county to join with a city, school district, or other public or private non-profit corporation or agency in the erection and operation of such war memorials and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 3 of Chapter 125 of the North Dakota Session Laws of 1947 is hereby amended and reenacted to read as follows:

SECTION 3. MAY JOIN WITH CITIES, SCHOOL DISTRICTS AND OTHER AGENCIES IN ERECTION AND OPERATION.) The board of county commissioners, in carrying out the provisions of sections 1 and 2 hereof, may join with a city, school district, or other public or private non-profit corporation or agency, or any or all of same, in the erection and operation of said memorial, or memorials, or other suitable recognition, in any proportion deemed advisable by said board. Said board in conjunction with the other cooperating body or bodies may provide for the operation and administration of said memorial, memorials, or other suitable recognition.

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

Approved March 11, 1949.

CRIMES AND PUNISHMENTS

CHAPTER 129

House Bill No. 195

(Haugen of McLean, Richard J. Thompson, Hafner, Bentz and Sailer)

**TRANSPORTATION AND CARE COST OF PERSONS COMMITTED
TO STATE FARM; HANDLING FEDERAL PRISONERS****AN ACT**

To amend and reenact section 12-5108 of the North Dakota Revised Code of 1943 providing for the cost of transportation and the care of persons committed to state farm and the payment of such expense and the handling of federal prisoners.

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

SECTION 1. AMENDMENT.) That section 12-5108 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

12-5108. COST OF TRANSPORTATION AND CARE OF PERSONS COMMITTED TO STATE FARM; HOW PAID; FEDERAL PRISONERS.) The cost of transporting persons committed to the state farm shall be paid as the costs of transporting persons committed to the penitentiary are paid. The cost of care and keep of persons who are committed to the state farm for the commission of a crime for which they might have been sentenced to the penitentiary shall be paid by the state out of the funds appropriated for such purpose for persons committed to the penitentiary, or out of the funds appropriated for that purpose. The cost of care and keep of any person committed to said farm for the commission of a crime for which he might have been sentenced to a county jail, but not to the penitentiary, shall be paid by the county from which such person is committed at the rate of one dollar per day per person, except, however, when the offense is committed in any county within an area, where there is in process of construction any federal project of such magnitude as to attract to such area a large number of people from outside the locality, then any person convicted of an offense for which he might have been sentenced to a county jail, and who is not, in the opinion of the court, permanently residing in said area, the cost of care and keep shall be paid by the state out of funds appropriated for that purpose. Provided further that whenever the state farm is filled to capacity and there are

no longer adequate facilities for additional inmates, the board of administration shall notify the courts of such facts and after such notice no further commitments shall be made to said institution until such facilities have been provided. The board shall have authority to enter into an arrangement or agreement with the proper authorities of the federal government whereby persons convicted of a crime in the federal court of this state may be committed to said farm, but persons convicted in the federal court shall be admissible to the said farm only if the term of the sentence is not less than thirty days nor more than one year.

SECTION 2. AMENDMENT.) Section 12-5109 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-5109. BOARD OF ADMINISTRATION MAY TRANSFER PERSONS FROM STATE FARM TO PENITENTIARY OR FROM PENITENTIARY TO STATE FARM.) When the board of administration, either at the time of commitment or at any time thereafter, shall determine that for purposes of safety of other inmates or of the general public or for the purpose of discipline it is necessary or proper that any person committed to the state farm should be transferred to the state penitentiary, such transfer may be made for such period as the board may deem proper. Where a person who has been committed to the state farm conducts himself in such manner as to interfere with the operation of the farm, or with the welfare or safety of others, and where in the judgment of the board of administration the best interests of such person or the best interests and welfare of other persons committed to the farm so require, the board may direct that such person be removed from the farm and placed in the penitentiary. The board also may direct that persons who have been sentenced to the penitentiary be transferred to the farm, when such action seems desirable and for the best interests of the person so transferred and in no manner detrimental to the welfare of other persons who have been committed to the said farm. The board may cause persons committed to the said farm to be assigned for work incident to the operations of the penitentiary or of any other institutions under the control of the said board.

Approved March 11, 1949.

DOMESTIC RELATIONS AND PERSONS

CHAPTER 130

House Bill No. 290
(Graham, J. A. Stormon and Haugland)

MISCELLANEOUS REQUIREMENTS IN ADOPTION**AN ACT**

To amend and reenact sections 14-1104, 14-1105, 14-1110, and 14-1111 of the North Dakota Revised Code of 1943, and section 14-1108 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to adoption of children, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 14-1104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1104. CONSENT OF PARENT OR GUARDIAN OF MINOR, OR OF THE DIRECTOR OF THE DIVISION OF CHILD WELFARE, REQUIRED, AND HOW GIVEN: EXCEPTIONS.) A legitimate child cannot be adopted without the consent of its parent or parents, nor an illegitimate child without the consent of its mother, but the consent of a parent who has abandoned the child, or who cannot be found, or whose parental rights have been terminated as provided by law shall be dispensed with and consent may be given by the director of the division of child welfare of the public welfare board, or waived by order of the court. If the parental rights of one parent have been judicially terminated the consent of the other parent is sufficient. The consent of a parent who is insane or otherwise incapable of giving consent, may be dispensed with, and consent may be given by the guardian, if the child has a guardian, or if there is no guardian, by the director of the division of child welfare of the public welfare board. The consent of a parent who has lost custody of the child through divorce proceedings, or of the father of an illegitimate child shall not be required. The consent by a parent must be signed before a judge of the county court or a judge of the juvenile court or juvenile commissioner of the county where the parent is living or where the child was born, and after the judge or juvenile commissioner has explained to the parent the effect of the consent and has examined the parent and is satisfied that the consent is voluntary and is freely

given. The minority of a parent is not ground for revoking consent. In all cases the reason for giving the consent must be stated in the consent. When consent is given by the director of the division of child welfare it must be accompanied by a certified copy of the order terminating parental rights.

SECTION 2. AMENDMENT.) Section 14-1105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1105. CONSENT OF PERSON TO BE ADOPTED.) The consent of a child, if over the age of ten years, is necessary to its adoption. It must be given in writing before the judge of the district court hearing the petition for adoption. In the case of an adult his consent alone given in writing before the judge hearing the matter is sufficient.

SECTION 3. AMENDMENT.) Section 14-1108 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-1108. WHO MAY PETITION FOR ADOPTION.) Any adult may petition the district court in the county of his residence for leave to adopt a person of any age at least ten years younger than himself and if desired for a change of such person's name, and any nonresident of the state who is related to the person to be adopted may petition the district court of the judicial district in which such person to be adopted resides for such adoption. Such petition for adoption shall be filed in the office of the clerk of court before any hearing is had or any order made.

SECTION 4. AMENDMENT.) Section 14-1110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1110. HEARING IN ADOPTION PROCEEDINGS AND SERVICE OF NOTICE THEREOF.) The court shall appoint a time and place for hearing the petition and shall allow reasonable time not exceeding thirty days for the investigation required by section 14-1109. Notice of the hearing shall be given to the director of the division of child welfare at least ten days before the hearing in such manner as the court may direct and proof thereof shall be filed with the clerk of the court prior to the hearing on said petition. Whenever a minor child to be adopted has a guardian, notice of the hearing shall be given to such guardian. When the parents of any minor child are dead or have abandoned the child and cannot be found, and the child has no duly appointed guardian in the state, notice of the hearing on the petition for adoption shall be given to the person who is caring for or has custody of the child. Notice must be given to any parent not consenting, whose parental

rights have not been terminated, including a parent who has lost custody of the child through divorce proceedings, a parent who is insane or otherwise incapable of giving consent, and to the father of an illegitimate child against whom paternity has been duly adjudged. Such notice shall be given in such manner as the court may direct. In the event that the court shall require notice to be given by publication, such notice shall be published once a week for three successive weeks, the last publication to be at least ten days prior to the day set for the hearing. If the hearing cannot be had at the time appointed it shall be adjourned and the court may upon its own motion or upon motion of any interested person fix another time for the hearing and upon such hearing may grant or deny the petition or grant a further adjournment. The petitioner and the person to be adopted, if over ten years of age, shall attend the hearing unless the court otherwise orders.

SECTION 5. AMENDMENT.) Section 14-1111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1111. PROCEEDINGS ON HEARING; DECREE.) If upon the hearing of the petition the court shall be satisfied of the identity and relationship of the persons concerned and that the petitioner is, or in case of husband and wife, that the petitioners are, of sufficient ability to bring up the child and to furnish him suitable nurture and education and that it is fit and proper that the petition be granted, a decree shall be made setting forth the facts and ordering that from and after the date of the decree the child shall be deemed and taken to be the child of the petitioner or petitioners, and the court, if desired, may change the name of such child in and by the same decree. Whenever a decree of adoption is issued a duly certified copy thereof shall be mailed to the division of child welfare.

SECTION 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 12, 1949.

CHAPTER 131

House Bill No. 291
(Graham, J. A. Stormon and Haugland)

PARENT AND CHILD RELATION IN ADOPTION
AN ACT

Relating to adoption: providing conditions under which adoption proceedings will be conclusively presumed valid, and the relation of parent and child established; and declaring an emergency.

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

SECTION 1.) Where a decree of adoption has been rendered in a district court or in a county court having increased jurisdiction in this state and the child named in such decree has been under the care and in the custody of the person or persons named in such decree as adoptive parent or parents for at least two years immediately following the rendition of such decree and for at least one year after this act became effective and that said adoptive parent or parents during said period of time have supported, cared for, and maintained a home for such child and that the natural parent or parents of said child have not, nor has any other person supported or contributed to the support or care of such child or asserted any right to care for, and have the custody of, such child, it shall be conclusively presumed that such natural parent or parents and all other persons claiming to have any right of custody of, or control over, such child have abandoned such child and have consented to the adoption of such child by said adoptive parent or parents named in such decree of adoption and said child shall be deemed to be the duly and legally adopted child of the person or persons named in such decree as adoptive parent or parents, and the relation of parent and child shall be deemed to have come into existence as of the date when the said decree of adoption was rendered, without regard to whether such decree was valid or invalid, and all the legal incidents, rights and obligations of the natural relation of parent and child shall exist between the said child and the persons named in the decree of adoption as adoptive parent or parents.

SECTION 2.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1949.

EDUCATION

CHAPTER 132

House Bill No. 262
(Committee on Agriculture)

BOARD OF HIGHER EDUCATION, SALE AND CONVEYANCE
OF TRACT OF LAND

AN ACT

Authorizing the State Board of Higher Education to sell and convey a tract of land, described as that portion of the South Half of Section 35, Township 140 North, Range 49 West of the 5th P. M., which lies south of the Great Northern right of way, and to use the proceeds of said sale for the purchase of other suitable agricultural land.

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

SECTION 1.) The state board of higher education, with the approval of the governor and the attorney general, is hereby authorized to sell and convey a tract of land comprising approximately 124 acres, described as follows, to-wit: That portion of the South Half of Section 35, Township 140 North, Range 49 West, which lies south of the Great Northern Railway right of way, and to use the proceeds of said sale for the purchase of other agricultural land suitable for experimental use by the North Dakota Agricultural college.

SECTION 2.) 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.

Approved March 10, 1949.

CHAPTER 133

Senate Bill No. 169
(Rue and Duffy)

JUNIOR COLLEGES IN SPECIAL SCHOOL DISTRICTS;
TAX LEVY, ETC.

AN ACT

To amend and reenact Section 15-1803, North Dakota Revised Code of 1943, relating to junior colleges in special school districts; providing for tuition in junior colleges; providing for a tax levy for the support of junior colleges.

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

SECTION 1.) Section 15-1803, North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

15-1803. TUITION IN JUNIOR COLLEGES; DUTY OF BOARD OF OF EDUCATION; TAX LEVY AUTHORIZED ON VOTE OF PEOPLE; MAINTENANCE OF DEPARTMENT.) On or before August fifteenth in each year, the board of education of a special school district which maintains a junior college shall determine the rate of tuition required to be paid by all pupils attending the department, whether or not the pupils are residents of the district, and such tuition may be at a different rate for students non-resident in the district than for pupils resident in the district. That every special school district maintaining a junior college under the provisions of Chapter 15-18, North Dakota Revised Code of 1943, may levy a tax for the maintenance and operation of said junior college department in a sum not to exceed eight (8) mills; provided, that before the levy of such a tax, the levying of such a tax for the support, maintenance and operation of a junior college shall have been approved by a majority vote of those voting at an election to be held in said special school district, which election may be a special election held in the manner provided for special elections in special school districts, at which election the board may submit the question of making such special and additional tax levy and may, if they so desire, specify a mill levy to be levied for such purpose less than the eight (8) mill limit hereinbefore provided, and that if such question is approved the levy authorized shall be the levy specified in the question submitted at such an election, and subsequent levies shall not exceed such limitation without another election authorizing a greater levy, but no election shall ever authorize a greater levy than eight (8) mills. That such tax levy for the support of a junior college shall be in addition to all other mill

levies authorized by law for such special school districts, and the proceeds of the levy shall be used exclusively for the support, operation and maintenance of a junior college.

Approved March 8, 1949.

CHAPTER 134

House Bill No. 109
(Esterby by request)

COUNTY SUPERINTENDENT OF SCHOOLS, MILEAGE
AND TRAVEL EXPENSE

AN ACT

To amend and reenact section 15-2205, North Dakota Revised Code of 1943, fixing mileage and travel expense, amount, and how paid for county superintendents of schools, and repealing acts and parts of acts in conflict herewith, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 15-2205, North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

15-2205. MILEAGE AND TRAVEL EXPENSE: AMOUNT, HOW PAID.) A county superintendent of schools, and his duly appointed deputy, shall receive seven and one-half cents per mile for travel by motor vehicle for trips necessarily made within his county in the performances of his duty. For any other travel authorized by law, he shall receive for each mile actually and necessarily traveled in the performance of his duties, the following amounts: when travel is by motor vehicle, the sum of seven and one-half cents per mile; when travel is by rail or other common carrier, the amount actually and necessarily expended therefor. Before any allowance for mileage or travel expense may be paid by the county, the county superintendent or deputy, as the case may be, shall file with the county auditor an itemized statement verified by his affidavit showing the mileage traveled, the manner of travel, the day or days upon which the traveling was done, and the purpose or purposes and destinations of such travel. The statement and affidavit shall be submitted to the board of county commissioners, and the claim shall be approved by the board before it shall be allowed or paid.

SECTION 2.) The provisions of this act authorizing increase in mileage as herein provided shall be effective to July 1, 1951.

SECTION 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, 1949.

CHAPTER 135

House Bill No. 140
(Esterby and Siverson)

APPOINTMENT AND SALARY OF DEPUTY COUNTY SUPERINTENDENT OF SCHOOLS

AN ACT

To amend and reenact Section 15-2206 of the North Dakota Revised Code of 1943, relating to appointment and salary of deputy county superintendents of schools.

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

SECTION 1. AMENDMENT.) Section 15-2206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2206. DEPUTIES; APPOINTMENT; SALARY.) In counties in which fifty or more teachers are under his supervision, the county superintendent of schools may appoint an office deputy for whose acts as such deputy he shall be responsible. The salary of the deputy shall be fixed by the board of county commissioners. In counties in which sixty or more teachers are under the supervision of the county superintendent, he shall be allowed one field deputy and an additional field deputy for each additional one hundred teachers or major fraction thereof under his supervision. The field deputies shall assist the county superintendent in visiting schools and in the general supervision of the educational work of the county. They shall possess the educational qualifications required of the county superintendent and shall receive a salary equal to eighty percent of the county superintendent's salary. In counties where the county court has increased jurisdiction and where the county has a population exceeding forty thousand, the number and salary of deputies, clerks, and assistants for the county superintendent of schools shall be fixed from time to time by resolution of the board of county commissioners according to the volume of business of the office.

Approved March 9, 1949.

CHAPTER 136

House Bill No. 168
(Esterby, Siverson and Lee)

COUNTY SUPERINTENDENT, CLERKS, OFFICE AND SUPPLIES

AN ACT

To amend and reenact section 15-2207 of the North Dakota Revised Code of 1943, relating to clerks and assistants, office and supplies for the county superintendent of schools.

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

SECTION 1. AMENDMENT.) Section 15-2207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2207. CLERKS; OFFICE AND SUPPLIES.) The board of county commissioners shall determine the number and salaries of office assistants and clerks for the county superintendent of schools and shall furnish a suitable office for the transaction of his official business, with all necessary books, stationery, and postage. If he is not furnished with such office by the board, he may provide the same, and the board of county commissioners shall audit and pay his reasonable accounts for office rental and for furniture for such office.

Approved March 9, 1949.

CHAPTER 137

House Bill No. 284
(Haugen of McLean, Bentz and Thompson of McLean)

CONSOLIDATION OF SCHOOL DISTRICTS

AN ACT

To provide for the consolidation of school districts when the assessed valuation of any district is diminished by the acquisition of property under eminent domain; the consolidation of the remaining portion with adjoining districts; requiring notice before action is taken; making the action of the county commissioners final; and repeal acts or parts of acts in conflict therewith, and declaring an emergency.

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

SECTION 1. DISSOLUTION OF SCHOOL DISTRICTS; DUTY OF COUNTY SUPERINTENDENT.) When the county superintendent of

schools shall notify the board of county commissioners that any school district within the county has had its assessed valuation reduced to an amount which will no longer enable the district to raise sufficient funds to carry on normal school operations as a result of the federal or state government acquiring property by eminent domain, the board of county commissioners shall forthwith give notice of hearing to dissolve the school district and provide for its attachment to an adjoining school district.

SECTION 2. NOTICE OF HEARING.) The county superintendent of schools upon order of the board of county commissioners shall notify the clerk of each school district adjoining the district which is to be dissolved that a hearing will be held at the next regular meeting of the board of county commissioners for the purpose of determining which school district the dissolved territory will be attached to.

SECTION 3. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 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 11, 1949.

CHAPTER 138

Senate Bill No. 50

(Legislative Research Committee

at the request of the School District Reorganization Committee and the Superintendent of Public Instruction)

DIRECTORS COMMON SCHOOL DISTRICTS; INCREASING NUMBER; RURAL REPRESENTATION

AN ACT

To amend and reenact sections 15-2401, 15-2403, 15-2409 and 15-2501 of the North Dakota Revised Code of 1943 and section 15-5314 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to directors in common school districts; providing means for increasing the number of directors in certain districts, and providing for rural representation.

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

SECTION 1. AMENDMENT.) Section 15-2401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2401. ELECTIONS IN NEWLY ORGANIZED DISTRICTS; OFFICERS ELECTED AND TERMS OF OFFICE.) At the first election after the organization of a new common school district, there shall be elected at large three directors, one to serve until the first annual election, one to serve until the second annual election, and one to serve until the third annual election thereafter, and a school treasurer to serve until the annual election held in the next even numbered year thereafter and until his successor is elected and qualified. However, if a district is established in accordance with the provisions of chapter 15-53 of the 1947 Supplement to the North Dakota Revised Code of 1943 and the approved organization plan so provides, there shall be elected at large or by geographic areas five directors, one to serve until the first annual election, two to serve until the second annual election, and two to serve until the third annual election thereafter. The length of the respective terms of the directors shall be determined by lot.

SECTION 2. AMENDMENT.) Section 15-2403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2403. ANNUAL ELECTIONS; WHEN HELD; OFFICERS ELECTED; TERMS.) An annual election shall be held in each common school district on the first Tuesday in June of each year. At each annual election, directors shall be elected to fill vacancies caused by the expiration of terms of office or otherwise. Each director elected shall serve for a term of three years except when elected to serve an unexpired term. At each annual election held in an even numbered year, a school treasurer shall be elected for a term of two years. The officers shall hold their respective offices from the second Tuesday in July following their election until the expiration of the term for which they are elected respectively and until their successors are elected and qualified.

SECTION 3. AMENDMENT.) Section 15-2409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2409. RURAL MEMBERS OF BOARD.) When a common school district is composed of six or more sections of land and has within its boundaries an incorporated village or city, at least one member of the board of directors shall reside upon a farm outside the corporate limits of the village or city. When a common school district has five directors and has within its boundaries an incorporated village or city, at least two members of the board of directors shall reside upon farms outside the corporate limits of the village or city. When the assessed taxable valuation of the rural area of a common school district, containing

an incorporated city or village is greater than the assessed taxable valuation of the urban area of the district, the majority of the members of the board of directors shall reside upon farms outside the corporate limits of the village or city.

SECTION 4. AMENDMENT.) Section 15-2501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2501. BOARD OF COMMON SCHOOL DISTRICT; QUORUM; MAJORITY VOTE ON CONTRACTS.) The school directors in each common school district shall constitute the district school board. A majority of the board shall constitute a quorum, and the agreement of a majority shall be necessary to the validity of any contract entered into by the board.

SECTION 5. AMENDMENT.) Section 15-53-14 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5314. REORGANIZATION PLAN PREPARED AND SUBMITTED TO STATE COMMITTEE.) Within one and one-half years after its selection, the county committee shall have prepared and submitted to the state committee a comprehensive plan for the reorganization of school districts within the county. Such plan shall be accompanied by:

1. A map showing the boundaries of established school districts and the boundaries proposed under any plan for the reorganization of school districts, prepared and submitted in compliance with the provisions of this act;
2. A description of the boundaries aforementioned;
3. Recommendations respecting the location of schools, the utilization of existing buildings, the construction of new buildings, including dormitories, and the transportation requirements under the proposed plan for the reorganization of school districts. Such recommendations shall not be binding upon such proposed school districts except as otherwise provided by law;
4. A summary of the reasons for such proposed reorganization of school districts;
5. Recommendations specifying whether such reorganized districts shall be common school districts with three directors, common school districts with five directors to be elected at large, common school districts with five directors to be elected from designated geographic areas, or special school districts which classification shall be based upon and subject to the laws existing in regard thereto; and
6. Such other reports, records and materials as the state committee may require.

If any difficulties are encountered by a county committee in formulating such comprehensive plan for the reorganization of school districts so that such plan will be unable to be submitted to the state committee within the time specified in this section, such county committee may make an application to the state committee for an extension of time in which to submit such comprehensive plan. The state committee, in its discretion and if the facts and circumstances warrant, may grant extension as it may see fit.

Approved March 8, 1949

CHAPTER 139

House Bill No. 92

(Lindberg, Dewing, Monson and Erickson)

ANNUAL ELECTION COMMON AND SPECIAL SCHOOL DISTRICTS; NOTICE; POLLING PLACES

AN ACT

Relating to notice of time and place of annual elections in school districts; amending section 15-2404 and repealing section 15-2407 of the North Dakota Revised Code of 1943.

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

SECTION 1. COUNTY SUPERINTENDENT OF SCHOOLS TO PUBLISH NOTICE OF ANNUAL ELECTION.) At least fourteen days before the first Tuesday in June of each year, the county superintendent of schools in each county shall publish, in the official newspaper of the county, notice that annual elections will be held on the first Tuesday in June in common and special school districts. If no newspaper is published in the county, the notice shall be published in a newspaper in an adjoining county in the state.

SECTION 2. AMENDMENT.) Section 15-2404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2404. DESIGNATION OF POLLING PLACES FOR ANNUAL ELECTION.) At least fourteen days before the first Tuesday in June of each year, the school board of each common school district shall designate at least one polling place. If there are more than three and less than six election precincts within the boun-

daries of the school district, the board may designate two polling places, and if there are six or more election precincts within the boundaries of the district, the board may designate three polling places. The polling places designated by the board shall be located as conveniently as possible to the voters in the district, and the board shall designate the portions of the district which shall be served by each polling place. If the designation of polling places and portions of the district to be served by each differs from the designation made for the preceding annual election, the clerk of the school board shall cause written or printed notices of the changes to be posted in at least three of the most public and conspicuous places within the district.

SECTION 3. REPEAL.) Section 15-2407 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 25, 1949.

CHAPTER 140

House Bill No. 266
(Fristad, Skaar and Link)

COMMON AND SPECIAL SCHOOL DISTRICTS, COMPENSATION AND MILEAGE BOARD MEMBERS

AN ACT

To amend section 15-2505 as amended and section 15-2905 of the North Dakota Revised Code of 1943, relating to compensation of board members in common and special school districts.

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

SECTION 1. AMENDMENT.) Section 15-2505 of the North Dakota Revised Code of 1943 as amended, is hereby amended and re-enacted to read as follows:

15-2505. COMPENSATION AND MILEAGE OF SCHOOL BOARD MEMBERS.) The compensation and mileage allowed to members of school boards in common school districts shall be as follows:

1. In districts containing a common school of three or more departments, a school board member shall receive three dollars for each meeting attended;
2. In districts containing more than four townships and in which ten or more schools are operated, a school board member shall receive four dollars for each meeting attend-

- ed and mileage at the rate of seven and one-half cents for each mile actually and necessarily traveled to and from such meetings;
3. In all other common school districts, a school board member shall receive sixteen dollars per annum less four dollars for each regular meeting which he fails to attend;
 4. Four dollars per meeting shall be paid to school board members for attending general county meetings of school officers convened by the county superintendent of schools.

SECTION 2. AMENDMENT.) Section 15-2905 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2905. COMPENSATION OF BOARD MEMBERS.) Each member of the board of education shall receive as compensation three dollars for each meeting of the board actually attended by him, but no compensation shall be allowed for more than one meeting in each calendar month.

Approved February 28, 1949.

CHAPTER 141

House Bill No. 48
(Legislative Research Committee)
at the request of the
(Superintendent of Public Instruction)

ADMISSION OF PUPILS FROM OTHER DISTRICTS; TUITION AN ACT

To amend and reenact sections 15-2509 of the 1947 Supplement to the North Dakota Revised Code of 1943 and 15-2511 of the North Dakota Revised Code of 1943, relating to powers of school districts to admit pupils from other districts and providing for payment of tuition.

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

SECTION 1. AMENDMENT.) Section 15-2509 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2509. SCHOOL TERM; MINIMUM; DISCONTINUANCE OF TERM; ARBITRATION.) The terms in a common school district shall be arranged to accommodate pupils of all ages and to furnish school privileges equally and equitably to all pupils in the district. Each

common school shall be kept in session for not less than eight months in each school year, except that any school may be discontinued when the average attendance of pupils therein shall be less than six for ten consecutive days, if proper and convenient school facilities for the pupils can be provided in some other school in the territory of the closed school until such time as the school may be reopened by the board. In determining what constitutes proper and convenient school facilities, the board shall consider the distance of each child from the nearest other school and all surrounding circumstances. The board may furnish transportation to the nearest school, or may pay extra allowance for the transportation, or may furnish the equivalent thereof in tuition or lodging at some other public school. In case of a dispute between a patron and the board as to whether the board has furnished or arranged to furnish adequate facilities, the matter may be submitted by the patron to the board of arbitration consisting of the county superintendent of schools, one arbitrator named by the patron, and one arbitrator named by the board, and the determination of the arbitrators, after hearing, shall be binding. The board shall reopen any school which has been closed for lack of attendance under this section for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board may reopen such school at any time upon its own motion.

SECTION 2. AMENDMENT.) Section 15-2511 of 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 DISTRICT; 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 and is approved by the county superintendent of schools, 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 actual costs. 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.

Approved February 8, 1949.

CHAPTER 142

House Bill No. 119
(Leet and Skaar)

CLERK COMMON SCHOOL DISTRICTS; DUTIES; REPORTS; COMPENSATION

AN ACT

To amend and reenact section 15-2515 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to clerks of school boards in common school districts.

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

SECTION 1. AMENDMENT.) Section 15-2515 of the 1947 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 fifty dollars for one school, with ten dollars for each additional school in the district in op-

eration, but such compensation shall not exceed one hundred 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 February 25, 1949.

CHAPTER 143

House Bill No. 338
(Langley, Stair, Haugland, and Callahan)

ATTENDANCE OF PUPILS IN CERTAIN SCHOOLS

AN ACT

Relating to attendance of pupils in certain schools and amending and reenacting subsections 1 and 2 of section 15-2908 of the North Dakota Revised Code of 1943.

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

SECTION 1. AMENDMENT.) Subsections 1 and 2 of section 15-2908 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

15-2908. GENERAL POWERS AND DUTIES OF BOARD OF EDUCATION.) The powers and duties of the board of education shall be as follows:

1. To establish a system of graded schools which shall be free to all children of legal school age residing within such district, and such schools shall be kept open not less than eight months, nor more than ten months in any year;
2. To establish and maintain such schools in its district as it shall deem requisite or expedient, and to change or discontinue the same in accordance with the provisions of law;

SECTION 2.) A school in a special school district may be discontinued when the average attendance of pupils therein shall be less than six for ten consecutive days, if proper and convenient

school facilities for the pupils can be provided in some other school in the territory of the closed school until such time as the school may be reopened by the board of education. In determining what constitutes proper and convenient school facilities, the board of education shall consider the distance of each child from the nearest other school and all surrounding circumstances. The board may furnish transportation to the nearest school, or may pay an extra allowance for the transportation, or may furnish the equivalent thereof in tuition or lodging at some other public school. In case of a dispute between a patron and the board as to whether the board has furnished or arranged to furnish adequate facilities, the matter may be submitted by the patron to a board of arbitration consisting of the county superintendent of school, one arbitrator named by the patron, and one arbitrator named by the board, and the determination of the arbitration board, after hearing, shall be binding. The board shall reopen any school which has been closed for lack of attendance under this act for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board of education may reopen such school at any time upon its own motion.

SECTION 3.) 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 and is approved by the county superintendent of schools, 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 actual costs.

Approved March 10, 1949.

CHAPTER 144

Senate Bill No. 8
(Legislative Research Committee
at the request of the State Board of Administration)

COMPULSORY SCHOOL ATTENDANCE OF DEAF, MUTE,
BLIND OR FEEBLE-MINDED PERSONS

AMENDMENT

AN ACT

To amend and reenact section 15-3402 of the North Dakota Revised Code of 1943, relating to compulsory school attendance of deaf, mute, blind or feeble-minded persons.

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

SECTION 1. AMENDMENT.) Section 15-3402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3402. COMPULSORY ATTENDANCE, DEAF, MUTE, BLIND OR FEEBLE-MINDED PERSONS.) Every parent, guardian, or other person who has control over any deaf, mute, blind, or feeble-minded child of an age of seven years to twenty years, both inclusive, shall send the child, if deaf or mute, to the school for the deaf at Devils Lake or other adequate institution for the entire school year, unless excused by the superintendent of that institution; and if blind, to the school for the blind at Bathgate or other adequate institution for the entire school year, unless excused by the superintendent of said institution; and if feeble-minded, to the institution for the feeble-minded at Grafton or other adequate institution. Adequate institution shall mean any school, public or private, specializing in the training of handicapped children as stated.

Approved March 7, 1949.

CHAPTER 145

House Bill No. 120

(Thompson of Richland, Skaar, Stormon of Ramsey, Frank,
Lindberg and Lillehaugen)

TRANSPORTATION PAYMENTS COMMON SCHOOL DISTRICTS

AN ACT

Amending and reenacting Section 15-3404 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to transportation payments in common school districts.

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

SECTION 1. AMENDMENT.) Section 15-3404 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3404. TRANSPORTATION: PAYMENT OPTIONAL WITH SCHOOL BOARD; SCHEDULE.) The school board or board of education of any school district in the state, whether or not such district contains a consolidated school, may pay, in its discretion, to each family living more than two miles from a school in the district which is taught the required length of time, a sum per day of each day's attendance of a child or children of such family, not including children in the high school department, when transported by a member of the family or by a conveyance furnished or paid for by the family or when the family has paid for lodging for the child, in proportion to the distance between the home of the family and the school, according to the following schedule:

From 2 miles to 2 $\frac{1}{4}$ miles	15c per day
From 2 $\frac{1}{4}$ miles to 2 $\frac{1}{2}$ miles	18c per day
From 2 $\frac{1}{2}$ miles to 2 $\frac{3}{4}$ miles	21c per day
From 2 $\frac{3}{4}$ miles to 3 miles	24c per day
From 3 miles to 3 $\frac{1}{4}$ miles	27c per day
From 3 $\frac{1}{4}$ miles to 3 $\frac{1}{2}$ miles	30c per day
From 3 $\frac{1}{2}$ miles to 3 $\frac{3}{4}$ miles	33c per day
From 3 $\frac{3}{4}$ miles to 4 miles	36c per day
from 4 miles to 4 $\frac{1}{4}$ miles	39c per day
From 4 $\frac{1}{4}$ miles to 4 $\frac{1}{2}$ miles	42c per day
From 4 $\frac{1}{2}$ miles to 4 $\frac{3}{4}$ miles	45c per day
From 4 $\frac{3}{4}$ miles to 5 miles	48c per day
From 5 miles to 5 $\frac{1}{4}$ miles	51c per day
From 5 $\frac{1}{4}$ miles to 5 $\frac{1}{2}$ miles	54c per day
From 5 $\frac{1}{2}$ miles to 5 $\frac{3}{4}$ miles	57c per day
From 5 $\frac{3}{4}$ miles to 6 miles	60c per day
Each $\frac{1}{2}$ mile over 6 miles, the further sum of	5c per day

Such distance shall be measured by the nearest route from the front door of the school house to the front door of the family's residence according to the most convenient public course of travel. If payment is made in any district based on school attendance, such payment shall be in the amounts provided in this section except in the case of a school which has been closed for lack of a sufficient number of pupils as provided in this title.

Approved February 25, 1949.

CHAPTER 146

House Bill No. 340
(Delayed Bills Committee)

SECOND GRADE ELEMENTARY TEACHING CERTIFICATES

AN ACT

To amend and reenact section 15-3602 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to second grade elementary teaching certificates.

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

SECTION 1. AMENDMENT.) Section 15-3602 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3602. SECOND GRADE ELEMENTARY CERTIFICATE.) A second grade elementary certificate shall be granted to persons who have earned twelve quarter hours of credit at a state teachers college or normal school or to persons who have graduated from a four-year high school course as prescribed by the state superintendent of public instruction, are eighteen years of age, and on examination, are found proficient in the following subjects: reading, arithmetic, language, grammar, geography, United States history, physiology, and hygiene, including physical culture, and in civil government, pedagogy, and in any one of the following named subjects: music, drawing, agriculture, nature study, domestic science, or manual training, and the superintendent of public instruction may specify which of said subjects shall be required. The proficiency of the applicants in spelling and writing shall be determined from the papers submitted by them. A second grade elementary certificate shall be valid for two years. It shall qualify the holder to teach in the public schools in this state up to and

including the eighth grade, except in schools which, under rules of standardization, require higher qualifications. Such certificates shall be renewable only upon examination or by obtaining twelve quarter hours of credit by summer school attendance.

Approved March 10, 1949.

CHAPTER 147

House Bill No. 334
(Hofstrand, Baker, Langley and Link)

TEACHERS EXAMINATION FOR SECOND GRADE ELEMENTARY
CERTIFICATES

AN ACT

To amend and reenact section 15-3613 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to teachers examination for second grade elementary certificates.

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

SECTION 1. AMENDMENT.) Section 15-3613 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3613. TEACHERS EXAMINATION FOR SECOND GRADE ELEMENTARY CERTIFICATES.) Under the direction of the superintendent of public instruction, the county superintendent of schools shall hold a public examination of all persons offering themselves as applicants who are high school graduates and who are at least eighteen years of age when they present themselves to write. The examination shall be held at the most suitable place or places in the county on the last Thursday and Friday of April in each year or more often at the discretion of the superintendent of public instruction. The county superintendent shall examine the applicants by a series of written or printed questions prepared under the direction of the superintendent of public instruction, and shall forward all examination papers submitted by applicants, immediately after the close of the examination, to the office of the superintendent of public instruction for examination, marking, filing, and recording. The superintendent of public instruction shall grant a second grade elementary certificate valid for two years to each applicant who is found to possess the understanding, general qualifications, and moral character required to teach in the common schools of the state as prescribed by this chapter.

Approved March 10, 1949.

CHAPTER 148

Senate Bill No. 184

(Olson of Barnes, Bilden, Reinke, Strand, Mehlhaff, and Lichty)

TEACHERS INSURANCE AND RETIREMENT FUND

AN ACT

To amend and reenact sections 15-3911, 15-3912, 15-3914, 15-3915, 15-3917, 15-3924, 15-3927, 15-3928, 15-3929, 15-3933, 15-3937, 15-3939, 15-3940 and 15-3941 of the North Dakota Revised Code of 1943, relating to the Teachers' Insurance and Retirement Fund, assessments, matching by school districts and educational institutions, eligibility for membership, annuities, retirement, military service, defining school "year," withdrawal of fund, options, and death of member.

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

SECTION 1. AMENDMENT.) Section 15-3911 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3911. PERSONS BROUGHT WITHIN DEFINITION OF TEACHER IN 1941; MEMBERSHIP OPTIONAL.) Any dean, school librarian, or registrar, secretary of the North Dakota education association, commissioner of higher education, or other person who:

1. Is included under the definition of "teacher" contained in this chapter;
2. Was not included in such definition prior to July 1, 1941; and
3. Was engaged on that date in an employment which was first included in the definition of "teacher" on July 1, 1941, may elect to join the fund and come within the provisions of this chapter by notifying the board of his intention so to do and upon compliance with the applicable provisions of section 15-3912.

SECTION 2. AMENDMENT.) Section 15-3912 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3912. EXTENSION OF MEMBERSHIP OPTION FOR PERSONS WHO FAILED TO EXERCISE OPTION TO JOIN FUND.) Any teacher who taught in any public school of the state prior to January 1, 1914 and who did not become a member of the fund by operation of law and who, under any law heretofore in effect in this state, had an option of joining or refusing to join the fund, and who failed to exercise his option to join the fund within the time here-

tofore permitted by law, may join the fund by notifying the board of his intention so to do. As a condition precedent to the exercise of the right granted by this section, such teacher must pay into the fund contributions, at the rate in effect July 1, 1949, for all years for which he would have been required to pay had he not declined membership in the fund when he first became eligible to join, plus simple interest at the rate of six percent per annum upon each of said contributions from the time the same would have been required to be paid.

SECTION 3. AMENDMENT.) Section 15-3914 of the 1947 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 fifty dollars per year, for each of his first eight years of service as a teacher; and
2. Four percent per annum, but not more than one hundred and twenty 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 one hundred eighty 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 leaves and employs substitute teachers at additional cost to said subdivisions or institutions, they shall in no event be required to pay in excess of \$180.00 per year as matching fund for any one teaching position.

SECTION 4. AMENDMENT.) Section 15-3915 of 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 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.

SECTION 5. AMENDMENT.) Section 15-3917 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3917. ASSESSMENTS AND CONTRIBUTIONS AND STATEMENTS THEREOF TO BE FORWARDED TO COUNTY TREASURER.) The disbursing officers of each school district, and of each county, between June twentieth and June thirtieth of each year, shall forward to the treasurer of the county the assessments deducted and retained as provided in this chapter, and in addition thereto, contributions to the fund in an amount equal to such assessments shall be set aside from funds available for the payment of the salary of the teachers, except that no contribution by any school district, as determined by a teacher's contribution, shall exceed four percent of the teacher's salary or the maximum contribution specified in section 15-3914. Such contributions shall be forwarded to the treasurer of the county. Provided, however, that if a teacher fails to complete the term, the district shall not be required to match said teacher's salary in entirety but shall pay the proportional part of the maximum assessments required for the time that teacher taught, unless such requirement increases the amount of assessments to be paid in which event the assessment shall be that computed on the actual salary the teacher received. Said disbursing officers shall forward the contributions with a statement, verified by the clerk of the school district or the county auditor, as the case may be, and containing the following information:

1. The name and the monthly salary of each teacher;
2. The number of months of school taught during the school year for which the statement is made by each teacher in the public schools of the district or school organization over which the governing board has jurisdiction;

3. The number of months during which schools were operated in each district or school organization in the year covered by the report ;
4. The total salary of each teacher ;
5. The total amount withheld from the salary of each teacher and contributed by the school district or county in accordance with the provisions of this chapter ;
6. The total amount withheld from the salaries of all of the teachers in the district or school organization for the school year next preceding ; and
7. The total number of years each teacher listed in the report has taught in the public schools of the state.

SECTION 6. AMENDMENT.) Section 15-3921 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3921. MONEYS DERIVED FROM ASSESSMENTS AND CONTRIBUTIONS TO BE TRANSMITTED TO STATE TREASURER.) Between July fifteenth and August first of each year, the county treasurer, the secretary or disbursing officer of each state institution, the state auditor, the state board of higher education, and the board of directors of the North Dakota education association shall transmit to the state treasurer the assessments deducted and retained as provided in this chapter and which have been received by such officer or board under the provisions of this chapter, and in addition thereto, contributions to the fund in an amount equal to such assessments shall be set aside from funds available for the payment of the salary of the teachers, except that no contribution paid by any school district, association, board office or institution, as determined by a teacher's contribution, shall exceed four percent of the teacher's salary or the maximum contribution as specified in section 15-3914 of this act. Such contributions shall be transmitted to the state treasurer. The transmitting officer shall certify to the board under oath the amount of moneys received and transmitted as assessments for and contributions to the fund, and if the transmitting officer is other than a county treasurer, he shall furnish to the board a statement showing the name and monthly salary of each teacher from whom assessments have been collected by him, the total salary of such teacher, the number of months in which such teacher was employed during the year for which the statement is made, the total amount withheld from the salary of each teacher and contributed by each state institution, the state, the state board of higher education, and the North Dakota education association, in accordance with the provisions of this chapter, the total amount withheld from the salaries of all teachers included in the statement, and the total number of years each teacher listed in the statement has been a teacher in the state.

SECTION 7. AMENDMENT.) Section 15-3924 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3924. FAILURE TO REPORT AND ACCOUNT DEPRIVES DISTRICT OF RIGHT TO PARTICIPATE IN STATE TUITION FUND.) No school district shall share in the apportionment of the state tuition fund for any year unless the school board or board of education, or an officer thereof, has made the reports required under the provisions of this chapter and had paid over for credit to the fund the percentage provided in section 15-3914 of the total wages paid to teachers in the district who are members of the fund, and has paid the required funds for matching the assessments required of the teachers, nor unless the county treasurer has remitted to the state treasurer the portion of the county tuition fund designated in section 15-3923.

SECTION 8. AMENDMENT.) Section 15-3927 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3927. ELIGIBILITY TO PARTICIPATE IN FUND.) Any teacher who is employed as such in a public school or state institution and who has complied with the provisions of this chapter may retire and receive the annuity provided for in section 15-3928 in the following cases:

1. After a period or periods aggregating twenty-five years of service as a teacher, of which eighteen years, including the last five years, of teaching shall have been spent in public schools or state institutions of this state, if such teacher shall have paid into the fund all of the assessments required under the provisions of this chapter. If a teacher shall retire before attaining the age of fifty years, eligibility for the retirement annuity shall be deferred until the age of fifty is attained.
2. After a period or periods aggregating fifteen years of service as a teacher in the public schools or state institutions of this state, when such teacher suffers from a permanent mental or physical disability, such mental or physical condition to be determined by the board after an examination of such teacher has been made by two physicians appointed by the board. The annuity is payable only if such teacher shall have paid into the fund all of the assessments required under the provisions of this chapter. The fees of such physicians shall be paid by the applicant. Payment of the annuity based upon such disability shall commence the first month following the determination of the

disability by the board and the payment of any deficiency in assessments as provided in this section, regardless of the age of the teacher at such time.

3. A teacher who has met all requirements for an annuity, except that of actual retirement from teaching, but continues to teach shall have the right to select Option One or Option Two, as described in section 15-3929, and to name a beneficiary to receive, in the event of the teacher's death, the reduced retirement allowance as provided in sections 15-3928 and 15-3929. A written designation of the choice of option and beneficiary must be filed with the board of trustees of this fund in order for such choices to be effective. Such choices, when duly made, shall be irrevocable. If a continuing teacher who has duly registered such choices with the board should die before retiring from teaching, he shall be considered to have retired on the date of his death, and his designated beneficiary, if living, shall receive the retirement allowance for life as provided by the terms of the option previously selected by the teacher. The reduced retirement allowance shall be computed on the ages of teacher and beneficiary as of the date of death of the teacher. Should a continuing teacher later retire voluntarily before death, then sections 15-3928 and 15-3929 shall apply directly except that any previously registered choice of option and beneficiary shall continue in full force and effect and may not be changed.

If an applicant for annuities under either subsection 1 or subsection 2 of this section has not paid into the fund assessments equal to the amounts required to be paid under section 15-3914, he shall pay any deficiency into the fund before receiving the annuity.

SECTION 9. AMENDMENT.) Section 15-3928 of the 1947 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, how-

ever, shall not exceed twelve hundred dollars in any one year nor be less than six hundred dollars in any one year and shall be subject to all the provisions of this chapter.

2. If any said teacher shall have attained the age of fifty years but shall not have attained the age of fifty-five years at the time of his application for the annuity, he shall be entitled, at the age of fifty years or thereafter, to receive a reduced annuity which shall be the actuarial equivalent of the one which would have been received upon the attainment of the age of fifty-five years, according to standard annuity tables, and at an interest rate specified from time to time by the board. Any such teacher, at his option, may defer applying for the annuity until the attainment of the age of fifty-five years;
 - a. A teacher who has completed all requirements for retirement previous to July 1, 1947, may choose to retire under the provisions of the Insurance and Retirement Fund then in effect. This does preclude, however, continuation of payments to the Retirement Fund after July 1st, 1947, at the rate prescribed by law for the remaining teaching career of such person.
 - b. A teacher who has completed all requirements for retirement previous to July 1, 1947, and does not teach after July 1, 1947, must retire under the provisions of the Insurance and Retirement Fund Act in effect prior to July 1st, 1947.
 - c. A teacher who has completed all requirements for retirement previous to July 1, 1947 and continues to teach shall have the option of electing to qualify under either the law in effect after July 1, 1947, or the one in effect previous to that time.
 - d. A teacher in service after July 1, 1947, who had previous to that date completed all requirements for retirement under the Insurance and Retirement Fund Act may at his own option pay into the Fund assessments on salaries earned between the date of completing payments and July 1, 1947. The rate of payment shall be six percent on the total salary earned, plus 6 percent interest on such assessments per annum.
 - e. If a teacher chooses not to pay the assessments on the interim period, those years may not be used in calculating the final annuity payment.

3. If said teacher shall have retired and applied for an annuity under the provisions of section 15-3927, subsection 2, he shall receive the maximum benefits allowable under the provisions of this chapter without regard to his age at the time of retirement.
4. If any person retiring under this chapter shall resume service as a teacher of a public school or state institution the retirement allowance paid to such person shall cease during the time of such employment but shall again be paid at the same amount and under the same conditions after subsequent retirement.
5. No annuity payments shall commence before the applicant shall have arrived at the age of fifty years except in the case of retirement based on disability as provided in section 15-3927.

SECTION 10. AMENDMENT.) Section 15-3929 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3929. OPTIONS OF TEACHERS ELIGIBLE TO RECIEVE ANNUITIES.) At any time after his retirement under the circumstances provided in this chapter and before the first annuity payment shall become due, a teacher may elect to receive the actuarial equivalent, at that time, of the regular retirement allowance for life, in the form of a reduced retirement allowance payable throughout his life with either, but not both of the following additional provisions:

Option One. Upon the death of the teacher, the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement; or,
Option Two. Upon the death of the teacher, one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement.

The amount of the reduced retirement allowance payable upon the exercise of either of such options shall be computed upon an actuarial basis through the use of standard actuarial tables and based upon the ages of the teacher and his designated beneficiary.

A teacher who has met all requirements for an annuity, except that of actual retirement from teaching, but continues to teach shall have the right to select Option One or Option Two,

as described in section 15-3929, and to name a beneficiary to receive, in the event of the teacher's death, the reduced retirement allowance as provided in sections 15-3928 and 15-3929. A written designation of the choice of option and beneficiary must be filed with the board of trustees of this fund in order for such choices to be effective. Such choices, when duly made, shall be irrevocable. If a continuing teacher who has duly registered such choices with the board should die before retiring from teaching, he shall be considered to have retired on the date of his death, and his designated beneficiary, if living, shall receive the retirement allowance for life as provided by the terms of the option previously selected by the teacher. The reduced retirement allowance shall be computed on the ages of teacher and beneficiary as of the date of death of the teacher. Should a continuing teacher later retire voluntarily, before death, then sections 15-3928 and 15-3929 shall apply directly except that any previously registered choice of option and beneficiary shall continue in full force and effect and may not be changed. If an applicant for annuities under subsections of this section has not paid into the fund assessments equal to the amounts required to be paid under section 15-3914, he shall pay any deficiency into the fund before receiving the annuity.

SECTION 11. AMENDMENT.) Section 15-3931 of 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 condition of the fund requires a reduction in such annuities. The percentage of such reduction shall be reduced by forty percent in annuities paid to teachers completing all requirements for retirement prior to July 1, 1947.

SECTION 12. AMENDMENT.) Section 15-3936 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3936. MILITARY SERVICE IN WAR COUNTED AS TEACHING SERVICE.) A teacher who has been granted an honorable discharge from the United States armed forces for services rendered during a national emergency, if he was engaged in the occupation of teaching in North Dakota at the time of entering the service, shall be entitled to have the time of such service counted as teaching service under the provisions of this chapter, upon the payment of the assessments which would have been collected from him if he had continued as a teacher during the time of such service.

SECTION 13. AMENDMENT.) Section 15-3937 of the North Da-

kota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3937. PARTICIPATION IN FUND BY MEMBERS OF ARMED FORCES.) Any person who, since the first day of January, 1940, entered into active service in the army, navy, marine corps, or coast guard, including the specialist's corps of the United States army, or who, during the continuation of the present war between the United States and Germany and Japan, or either of them, hereafter shall enter into active service in any of said armed forces, and who, immediately prior to the entry into such active service was a teacher by whom contributions had been made into the state teacher's insurance and retirement fund, shall be entitled, upon his resumption of the teaching profession in the state of North Dakota, to have the time of his service in such armed forces credited as "teaching service" under said teachers' insurance and retirement fund law upon payment by him of the assessments for said period of service, based upon the salary received by him during the first school year during which teaching is resumed.

SECTION 14. AMENDMENT.) Section 15-3939 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3939. "YEAR" AS USED IN CHAPTER DEFINED.) In computing the terms of service of a teacher under the provisions of this chapter, a year shall be a legal school year at the time and place where such service was rendered. Where the service was rendered in schools not included within the provisions of this chapter, a time less than a legal school year in this state shall not be included as a full year but only as such proportion of a year as the number of teaching weeks in each year taught in such excluded school bears to the number of weeks required at such time to constitute a legal year in this state.

"Day" defined for part time teacher. At least four hours per day for twenty days per month shall constitute a month's teaching credit toward a retirement annuity.

SECTION 15. AMENDMENT.) Section 15-3940 of the 1947 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 within eighteen months after he has ceased to be a teacher in North Dakota, 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 and before he has forfeited his contributions by the failure to claim a refund as provided in this section 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.

SECTION 16. AMENDMENT.) Section 15-3941 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3941. EFFECT OF AMENDMENTS TO CHAPTER UPON EXISTING RIGHTS.) Nothing contained in this chapter or in any amendment thereto or any amendment of any section thereof which has been or shall be adopted from time to time, unless the amendment expressly states otherwise, shall reduce, modify or enlarge any rights, privileges, or benefits established prior to the effective date of such amendment. All pensions, rights, privileges, and benefits which have become fixed and determined prior to the effective date of any such amendment shall remain unchanged. Annuities, however, may be reduced ratably by the board as provided in section 15-3931.

Approved March 8, 1949.

CHAPTER 149

House Bill No. 5
(Legislative Research Committee)

STATE EQUALIZATION FUND

AN ACT

Providing for payments from the state equalization fund to the county tuition funds and for high school tuition; providing for determination of sums to be paid and manner of payment; amending reenacting subsection 1 of section 15-4007 and section 15-4014 of the 1947 Supplement to the North Dakota Revised Code of 1943, and subsection 1 of section 15-4008 and section 15-4013, 15-4015, 15-4019, 15-4020, 15-4021, and 15-4024 of the North Dakota Revised Code of 1943 and repealing section 15-4011, 15-4012 and 15-4018 of the 1947 Supplement to the North Dakota Revised Code of 1943 and section 15-4017 of the North Dakota Revised Code of 1943.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 15-4007 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4007. EXPENDITURES OF EMERGENCY FUND; MAXIMUM FINANCIAL EFFORT DEFINED; REQUIREMENTS.) Before it shall be determined that a school district has made the maximum financial effort to pay for the operation of its schools, it must appear:

1. That the district shall have provided the normal maximum mill levy. The district shall submit an affidavit by the county auditor stating that such levy has been or will be spread.

SECTION 2. AMENDMENT.) Subsection 1 of section 15-4008 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4008. EXPENDITURE OF EMERGENCY FUND; REASONABLE TEACHER-PUPIL BASIS: HOW DETERMINED.) In determining what constitutes a reasonable teacher-pupil ratio, the superintendent of public instruction shall consider the size and type of the school and its proximity and transportation facilities to adjacent schools. The following standards shall be used as guides on the teacher-pupil basis:

1. Schools with seven or more teachers shall maintain a teacher-pupil ratio of at least twenty-two pupils per teacher;

SECTION 3. AMENDMENT.) Section 15-4013 of the North Da-

kota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4013. DEFINITION OF "HIGH SCHOOL STUDENT.") As used in this chapter and in the provisions relating to the payment of high school tuition from the fund, the term "high school student" shall include only students who:

1. Have completed all of the work of the first eight grades;
2. Are residents of this state; and
3. Have not attended a high school previously for four years nor completed fifteen or more full units of high school work.

SECTION 4. AMENDMENT.) Section 15-4014 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4014. HIGH SCHOOL TUITION: AMOUNT OF PAYMENTS: 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, county agricultural and training school or model high school in the state, the sum of ten dollars for each month of regular enrollment during the preceding year 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 1947-1948 shall not be eligible for payments unless they have at least an average enrollment of ten pupils in the ninth grade, ten pupils in the tenth grade, ten pupils in the eleventh grade, and ten pupils in the twelfth grade during the preceding year. 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 twelve dollars for each month such student attends the high school.

SECTION 5. AMENDMENT.) Section 15-4015 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4015. APPLICATION FOR HIGH SCHOOL TUITION: REPORT OF COUNTY SUPERINTENDENT OF SCHOOLS; APPEAL.) Immediately

upon the close of each semester, and in any event not later than February tenth and June thirtieth of each school year, the principal or superintendent of each district claiming high school tuition under the provisions of this chapter shall file with the county superintendent of schools a verified claim stating the name, residence, and number of weeks of attendance of, and number of units of high school work taken by, each enrolled high school student for whom tuition is claimed. Such claim shall be attested by the clerk or secretary of the district. The county superintendent shall investigate the validity of the claim and shall determine the residence and other qualifications of each student named in a claim filed with him. He shall certify to the superintendent of public instruction on or before February twentieth or July twentieth, as the case may be, the number of enrolled high school students for which each district in his county is entitled to receive payment of high school tuition. At the same time, he shall give notice to any district the claim of which has been disallowed in whole or in part and shall state in such notice the name of any student for whom high school tuition has been disallowed. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before August fifth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final. Not later than March twentieth for the first semester, or September first for the second semester, the superintendent of public instruction shall certify to the state auditor a list of the school districts entitled to payment of high school tuition, together with the amounts to which the several districts are entitled.

SECTION 6. AMENDMENT.) Section 15-4019 of 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.) 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. The request shall be filed on forms furnished by the superintendent of public instruction and shall state the full amount of the elementary per pupil payments to be made to each school district that has complied with the provisions of law relating to the county tuition fund. 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 9.5 mills. The balance will be the amount of aid to which the county is entitled.

SECTION 7. AMENDMENT.) Section 15-4020 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4020. DISTRIBUTION OF PAYMENTS TO COUNTY TUITION FUNDS; DUTY OF STATE AUDITOR.) Upon receiving the certification of the county superintendent of schools, and in any event not later than November first of each school year, the superintendent of public instruction shall certify to the state auditor a list of all county tuition funds in the state together with a statement of the payments due each fund. The state auditor shall pay to each such fund from the state equalization fund the sum found to be due under the provisions of this chapter.

SECTION 8. AMENDMENT.) Section 15-4021 of 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 higher education, and he shall make the payments from the emergency fund on the basis of need, the high school tuition payment, and the payments to county tuition funds upon receipt of the certificates therefor from the superintendent of public instruction. Such payment 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 school or to the county tuition fund as the case may be.

SECTION 9. AMENDMENT.) Section 15-4024 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4024. ORDER OF PAYMENT; LIMITATION BY LEGISLATIVE APPROPRIATIONS; FRACTIONAL PAYMENTS.) The allocations made in this chapter shall be a first charge and claim upon and against all moneys appropriated and coming to the fund. Should the money in the fund be insufficient to pay all appropriations therefrom, the basis of need appropriation provided from the emergency fund shall be paid in full if the full amount appropriated is required for such purposes, and such fractional payments as the moneys in the fund will permit shall be made for the other purposes specified. When fractional payments are made pursuant to this section, such payments shall constitute full payment under this chapter. If the full amount of the appropriation made under any section of this chapter is not needed for such purpose, the unexpended balance may supplement any other appropriation made under a section of this chapter which has proved to be insufficient for the purpose specified.

SECTION 10. REPEAL.) Section 15-4017 of the North Dakota Revised Code of 1943 and sections 15-4011, 15-4012, and 15-4018 of the 1947 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 10, 1949.

CHAPTER 150

House Bill No. 147
(Committee on Education)

COUNTY AGRICULTURAL AND TRAINING SCHOOL BUILDING FUND LEVY

AN ACT

To permit a levy of one mill in excess of other levies permitted by law to be made by counties maintaining county agricultural and training schools for building funds for such schools.

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

SECTION 1.) The board of county commissioners of any county maintaining a county agricultural and training school may levy taxes annually for a building fund for such schools, not in excess of one mill, which levy shall be in addition to and not restricted by the levy limitations prescribed by law.

SECTION 2.) This said fund is a special fund for building purposes and any unexpended balance therein shall not revert to the general fund of the county.

Approved February 28, 1949.

CHAPTER 151

House Bill No. 145
(Committee on Education)

SELECTION PRINCIPAL, FACULTY AND EMPLOYEES COUNTY
AGRICULTURAL TRAINING SCHOOLS

AN ACT

To amend and reenact section 15-4211 of the North Dakota Revised Code of 1943, relating to selection and determination of salaries, expenses and mileage of the principal, teachers and other employees of county agricultural and training schools.

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

SECTION 1. AMENDMENT.) Section 15-4211 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4211. SUPERINTENDENT OF PUBLIC INSTRUCTION: SELECTION OF FACULTY; SCHOOL VISITATIONS; REPORTS.) The superintendent of public instruction shall have a vote in the selection of the principal for a county agricultural and training school and in fixing his salary. The board of trustees of the school shall select and fix the salaries of the other teachers on the faculty and the other employees of the school and shall determine the amount of expenses and mileage to be allowed all persons employed. The superintendent of public instruction shall visit and inspect each of such schools at least once each year and shall make a report to the governor relating to the property management, instruction, and efficiency of such schools and containing such recommendations as he believes will further the efficiency and usefulness of the schools.

Approved February 28, 1949.

CHAPTER 152

Senate Bill No. 194
(Melvin Olson — Barnes)

CHILD'S AGE FOR SCHOOL ADMISSION

AN ACT

To amend and reenact section 15-4701 of the North Dakota Revised Code of 1943, relating to schools free and accessible, school ages, and age of starting a child in school.

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

SECTION 1. AMENDMENT.) Section 15-4701 of 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 over six years of age and under twenty-one years of age. If a child shall arrive at the age of six years by midnight, December thirty-first, he shall be admitted to the first grade at the beginning of the current school year.

Approved March 8, 1949.

CHAPTER 153

House Bill No. 182
(Committee on Education)

SUPERINTENDENT OF PUBLIC INSTRUCTION AND SCHOOL DISTRICTS; AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS

AN ACT

Authorizing the superintendent of public instruction and school districts to enter into certain agreements pertaining to public education.

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

SECTION 1.) The superintendent of public instruction in order to carry out the purposes of any federal statutes pertaining to public education may enter into agreements with any agency of

the federal government and with the school board or board of education of any school district in the state, may make agreements with the federal government for and in behalf of the public school districts of the state and may adopt necessary rules of administration to insure the proper and efficient operation of such agreements and to comply with such conditions as may be necessary to obtain the full benefits of such federal statutes. Provided, however, that such contracts, agreements or arrangements shall in no way impair the rights, powers, duties or authority of local school districts and school boards in the management and control of their local schools.

SECTION 2.) All contracts, agreements or arrangements affecting public tax supported schools or school systems under the supervision of the state superintendent of public instruction which may be made and entered into with agencies of the federal government shall be entered into in accordance with regulations prescribed by the superintendent of public instruction and in no other manner.

Approved March 11, 1949.

CHAPTER 154

House Bill No. 156
(Baker, Larsen and Moerke)

SCHOOL CONTRACTS, BIDS; PUBLICATION

AN ACT

To amend and reenact section 15-4715 of the North Dakota Revised Code of 1943, relating to school contracts.

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

SECTION 1. AMENDMENT.) That section 15-4715 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4715. SCHOOL CONTRACTS; ADVERTISEMENT FOR BIDS; PUBLICATION; EXCEPTIONS.) No contract involving the expenditure of an aggregate amount greater than five hundred dollars, except as hereinafter set forth, shall be entered into by any school district of any kind or class except upon sealed proposals and to the lowest responsible bidder after ten days' notice by at least one publication in a legal newspaper published in the county in

which the school district, or a portion thereof, is located. If no newspaper is published in such county, the publication shall be made in a newspaper published in an adjacent county. The provisions of this section shall not apply to the following classes of contracts; namely:

1. For personal services of employees of the district;
2. For school text or reference books;
3. For any article which is not for sale on the open market;
4. For any patented, copyrighted, or exclusively sold device or feature required to match articles already in use;
5. For any patented, copyrighted, or exclusively sold article of so distinctive a nature that only one make of the article can be purchased;
or
6. Any building contract.

Such exceptions shall be strictly construed. Every member of a school board or board of education who participates in a violation of this section shall be guilty of a misdemeanor.

Approved March 9, 1949.

CHAPTER 155

Senate Bill No. 26
(Legislative Research Committee
at the request of the Bank of North Dakota)

INCREASE SCHOOL DISTRICT DEBT LIMITS; ELECTION PETITION; BOARD AUTHORITY AN ACT

To amend and reenact section 15-4801 of the North Dakota Revised Code of 1943, relating to calling elections to increase school district debt limits.

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

SECTION 1. AMENDMENT.) Section 15-4801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4801. PETITION FOR ELECTION; AUTHORITY OF BOARD.) Whenever there shall be presented to, and filed with, the school board or the board of education, as the case may be, of any common,

special, or independent school district, a petition, signed by at least one-third of the electors of such school district, requesting that the school board or board of education submit to the electors of the district the question of increasing the limit of indebtedness of such district five percent on the assessed value of the taxable property of said district beyond the five percent limit of indebtedness fixed by the constitution, the board must submit said question to the electors at the next annual school election, or at a special election called in said district for that purpose, provided, that the board may submit said question to the electors at a regular or special election on its own motion without such petition.

Approved March 7, 1949.

CHAPTER 156

Senate Bill No. 231

(Stucke, Streibel, Brandt, Bridston and Day)

NORTH DAKOTA STATE MEDICAL CENTER; DISBURSEMENT ONE MILL LEVY

AN ACT

Implementing the constitutional amendment adopted in November, 1948, and directing the method of disbursement and the expenditure of the proceeds from the one mill levy provided thereby, together with any other funds received, for the establishment, development and maintenance of the North Dakota State Medical Center.

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

SECTION 1.) The proceeds of the one mill tax levy established by constitutional amendment adopted at the general election in November, 1948, together with any other funds that may be received by the state treasurer, from time to time, for the benefit of the North Dakota state medical center, shall be expended to establish, develop and maintain said North Dakota state medical center, as provided in chapter 172 of the North Dakota Session Laws of 1945, by the issuance of state warrants drawn on such funds by the state auditor in payment of vouchers approved by the state board of higher education, or its successor in authority.

Approved March 8, 1949.

CHAPTER 157

House Bill No. 264
(Link)

SCHOOL DISTRICT REORGANIZATION PLAN

AN ACT

To amend and reenact section 15-5314 and 15-5320 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to the Reorganization Plan for School Districts to be submitted to the state committee, and the method of voting in the reorganized districts.

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

SECTION 1. AMENDMENT.) Section 15-5314 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5314. REORGANIZATION PLAN PREPARED AND SUBMITTED TO STATE COMMITTEE.) Within one and one-half years after its selection, the county committee shall have prepared and submitted to the state committee a comprehensive plan for the reorganization of school districts within the county. Such plan shall be accompanied by:

1. A map showing the boundaries of established school districts and the boundaries proposed under any plan for the reorganization of school districts, prepared and submitted in compliance with the provisions of this act;
2. A description of the boundaries aforementioned;
3. Recommendations respecting the location of schools, the utilization of existing buildings, the construction of new buildings, including dormitories, and the transportation requirements under the proposed plan for the reorganization of school districts. Such recommendations shall not be binding upon such proposed school districts except as otherwise provided by law;
4. A summary of the reasons for such proposed reorganization of school districts;

5. Recommendations specifying whether such reorganized districts shall be common school districts with three directors, common school districts with five directors to be elected at large, common school districts with five directors to be elected from designated geographic districts, or special school districts which classification shall be based upon and subject to the laws existing in regard thereto; and
6. Such other reports, records and materials as the state committee may require.

If any difficulties are encountered by a county committee in formulating such comprehensive plan for the reorganization of school districts so that such plan will be unable to be submitted to the state committee within the time specified in this section, such county committee may make an application to the state committee for an extension of time in which to submit such comprehensive plan. The state committee, in its discretion and if the facts and circumstances warrant, may grant such extension as it may see fit.

SECTION 2. AMENDMENT.) Section 15-5320 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5320. PROPOSAL REJECTED, REVISION MADE: NEW ELECTION HELD.) If a proposal for the formation of a new school district is rejected by the voters at the election provided for in the preceding section, the county committee may make such revision as it deems advisable in the boundaries proposed for such new district in the terms of adjustments of the property, debts and liabilities thereof, as the case may be, and submit the same to the state committee for approval. If the boundaries of the proposed new district or the terms of adjustment, as the case may be, as revised, are approved by the state committee, notice thereof shall be transmitted to the county superintendent, as provided for in Section 17, Subsection 6 of this act. Upon receipt of such notice the county superintendent shall call, in the manner and for the purpose specified in Section 18 of this act, a special election of the voters residing within the revised boundaries of the proposed new district. If a majority of all votes cast by the electors residing within the rural area of a proposed new district and a majority of all votes cast by the electors within the incorporated area of the proposed new district are both in favor of the formation of the district, the county superintendent shall proceed to organize and establish such district and to perform the necessary duties related thereto in the same manner and to the same effect as is provided in Section 18 of this act.

Approved March 12, 1949.

CHAPTER 158

House Bill No. 271

(Baker, Sticka, B. Larson, Link, Dalzell, Esterby, and Langley)

CONTINUED OPERATION OF SCHOOLS IN REORGANIZED
DISTRICTS

AN ACT

To provide for continued operation of schools in reorganized districts.

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

SECTION 1.) Each common school in the local districts included in reorganized school districts shall be kept in session as provided by law, except that any school may be discontinued when the people in the old district where the school is located, by a majority vote, approve its closing, or when a petition requesting that the school is discontinued is signed by two-thirds of the electors in the old district where the school is located and is presented to the school board or board of education in the reorganized district. The board shall reopen any school which has been closed for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board may reopen such school at any time upon its own motion.

Approved March 10, 1949.

CHAPTER 159

House Bill No. 254
(Nygaard and Langley)

ANNEXATION REMAINING PORTIONS REORGANIZED
SCHOOL DISTRICTS TO OTHER DISTRICTS

AN ACT

Providing for annexation of remaining portions of reorganized school districts to other districts.

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

SECTION 1. When a portion of any common or special school district has become a part of a reorganized school district under Chapter 15-53 of the 1947 Supplement to the North Dakota Revised Code of 1943, and a portion of the common or special school district is not included in the reorganized district, such remaining portion, having a taxable assessed valuation of less than one hundred thousand dollars for each teacher employed in the remaining territory, shall become a part of a school district adjacent thereto in the following manner:

1. The county school district reorganization committee shall, within forty-five days after the reorganized district has been approved by the voters, order a hearing for the purpose of determining to which district or districts said remaining territory shall be annexed;
2. The hearing shall be held in a designated school house or a designated place located in the remaining territory and notice of the time and place of the hearing shall be given by publication in the official county newspaper at least ten days before the date of the hearing. Within ten days after the hearing, the county committee shall make an order annexing the territory to adjacent school district or districts; and
3. The decision of the county committee shall be subject to review by the state school district reorganization committee upon petition by a majority of the electors residing in said territory.

Approved March 10, 1949.

CHAPTER 160

Senate Bill No. 147
(Judiciary Committee)

TAX EXEMPT BONDS FOR REVENUE PRODUCING BUILDINGS
AT N. D. AGRICULTURAL COLLEGE, FARGO AND STATE
TEACHERS COLLEGE, MINOT

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 1947 Supplement to the North Dakota Revised Code of 1943.

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

SECTION 1. In accordance with the provision of Chapter 15-55 of the 1947 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. North Dakota Agricultural College, Fargo
 - a. Student Union Building.....\$600,000
2. State Teachers College, Minot
 - a. Addition to Student Union Building.....\$ 50,000

SECTION 2. No bonds issued under the authority of the act shall ever become a general obligation against the State of North Dakota or its institutions.

Approved February 26, 1949.

CHAPTER 161

Senate Bill No. 168

(Day, Blume, Freed, Shure, Bridston, Foss, and Braun)

REVENUE PRODUCING BUILDING BONDS; ADDITIONAL
POWERS BOARD OF HIGHER EDUCATION

AN ACT

Granting additional powers to the state board of higher education relative to the issuing of bonds under the provisions of Chapter 154 of the Session Laws of 1947, providing additional sources for the bond payment fund, and declaring an emergency.

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

SECTION 1.) The state board of higher education, when issuing bonds under the provisions of Chapter 154 of the Session Laws of North Dakota for 1947 and the powers therein granted, shall have additional powers as follows:

- (1) When the state board of higher education has issued bonds as provided in said Chapter 154 of the 1947 Session Laws for the purpose of securing funds for all or part of the cost of construction, equipment, and furnishing of any new dormitory for any of the state-supported institutions of higher learning of the state of North Dakota, said board is hereby authorized to cover into the interest and principal payment fund for bonds issued, the rental income from dormitories which are not encumbered or impressed with any lien and which are located upon the campuses of such institutions.
- (2) In case of destruction of such dormitories by fire, tornado, cyclone, or other cause, the proceeds from insurance on such dormitories shall be covered into the bond payment fund for the payment of bonds issued under said Chapter 154 of the Session Laws of 1947.
- (3) The rental income from said dormitories and the proceeds of insurance thereon shall be irrevocably pledged to the payment of the principal and interest of the bonds issued as in this chapter provided.
- (4) The bonds issued as in this act and in Chapter 154 of the 1947 Session Laws provided, shall not be an indebtedness or obligation of the state of North Dakota or of any of the state institutions nor of any board, bureau or officer

of the state of North Dakota, but such bonds shall be payable solely out of the income and revenue as in said Chapter 154 of the Session Laws of the state of North Dakota for 1947 and in this act provided.

SECTION 2.) The rental income from the dormitories, as defined herein, of any educational institutions of higher learning of the state shall be covered into the bond payment fund for the payment of the cost of a new dormitory or dormitories for such educational institution and not to any other institution.

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 8, 1949.

CHAPTER 162

House Bill No. 183
(Committee on Education)
(Hofstrand)

TEACHER PREPARATION SCHOLARSHIPS

AN ACT

To provide for teacher preparation scholarships for qualified residents of North Dakota who express an intent to prepare for rural teaching; providing for a board to administer the provisions of the act; making an appropriation and declaring an emergency.

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

SECTION 1.) There is hereby established a state board on teaching scholarships in this state consisting of the superintendent of public instruction and four other members to be appointed by the governor immediately after the effective date of this act. One of the appointive members shall be the president of a state supported college offering a one year course of instruction leading to a first grade elementary certificate, two shall be county superintendents of schools from counties having a predominantly rural population, and one shall be from the "in service teacher training department" of a state educational institution. The superintendent of public instruction shall be chairman of the board and the member appointed from the "in service teacher training department" of a state educational institution shall serve as secretary of the board. The appointive members of the board shall receive only

their actual and necessary traveling expenses when engaged in the discharge of their official duties, paid as other state officials are paid.

SECTION 2.) The state board of teaching scholarships shall:

1. Grant scholarships as provided in this act; and
2. Make rules and regulations and establish standards, requirements, and procedure in administering this act that will encourage rural people to enter rural teaching.

SECTION 3.) A person shall not be selected as a candidate or an alternate or a scholarship unless he will be at least eighteen years of age on or before September first following completion of teacher training as described in this act. In selecting candidates for scholarship, consideration shall also be given to:

1. Vocational adaptability to teaching;
2. Health;
3. Character;
4. Personal-social characteristics;
5. History of rural experience;
6. Capacity and willingness to make a success of college privileges; and
7. Vocational intention and willingness to teach in a rural school.

SECTION 4. On or before July fifteenth of the years 1949 and 1950, the county superintendent of schools of each county in this state shall certify to the board, the name of five candidates and five alternates from his county for scholarships. The candidates shall be selected according to the provisions of this act 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.

SECTION 5. The county superintendent may certify additional qualified candidates, and may also send to the board a list of candidates who fail to meet one or more of the requirements set forth in this act and the regulations of the board with an explanation of the points on which the candidate fails to meet such requirements and the regulations and an explanation of why he feels such persons will qualify for a scholarship.

SECTION 6.) In the event that one of the certified candidates fails to accept or is not approved by the board, the county superintendent of schools shall select one of the alternates from his county to fill the vacancy.

SECTION 7.) If a county fails to provide five candidates who accept the scholarship by August fifteenth, of the year 1949 and 1950, the board may accept alternates from other counties. If less than two hundred sixty-five scholarships have been awarded in the state in either year, the board may select from the alternates certified and from the list of qualified and partially qualified candidates such additional candidates, chosen at large, without regard to county quota, as may be necessary to fill the state quota for such year.

SECTION 8.) Upon the granting of a scholarship and the acceptance thereto, the recipient shall be entitled to the sum of one hundred dollars for each college quarter to cover the cost of tuition, books and other institutional expenses and to provide a part of the subsistence costs of the recipient. The scholarship payment shall be given only to regularly enrolled students taking a full load of college work in a one-year course leading to a first grade elementary certificate, who have declared their intent to enter teaching in North Dakota in a rural school for a term equal to the length of time the scholarship is held. At the beginning of each quarter of a regular college year, the board shall certify to the state auditor the name of each recipient of a scholarship, the auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship through the secretary of the college in which the recipient is enrolled. Each recipient of a scholarship shall sign and execute notes to the state treasurer, endorsed by a responsible adult for the amount of such scholarship. The notes shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest twenty-one months after the date of issue, except as otherwise provided in this act. The board may grant scholarships to a scholarship recipient to be used during the summer quarter of 1949 or 1950 whenever the recipient may thereby qualify for a first grade elementary certificate in time to begin teaching at the beginning of the rural school year following the completion of the summer quarter. Such scholarship shall be in the same amount as for any other quarter.

SECTION 9. The scholarship shall be used, first, to pay the tuition and other institutional charges of the recipient, second, to defray the cost of books and equipment needed by the recipient in pursuit of his studies and, third, for partial subsistence of the recipient through facilities operated by the college, or approved by the college secretary. Any facilities or personnel of the college designed to aid in securing part time employment for students to help defray costs of their education shall be made available to the recipient of a scholarship on an equal basis with other students enrolled. Scholarship holders may not continue to hold the scholar-

ship unless they maintain a satisfactory grade average as set by the board.

SECTION 10. If a scholarship recipient, before the notes provided for in this act become due, has satisfactorily completed either a full eight or nine months school term of teaching in a one-room rural school, the notes and accrued interest thereon shall be cancelled. The county superintendent of schools of the county where the recipient has taught shall certify to the board the time of teaching completed by the recipient, and the board, if satisfied, shall notify the state treasurer to cancel the notes. Whenever less than a full school year of teaching has been completed the notes may be cancelled in the order of execution, corresponding with the months of teaching which are completed. In the event of death or total disability of the recipient, the notes and accrued interest shall be cancelled. The board may designate the county superintendent of schools of the county where the recipient has taught or resides as its agent in the collection of such notes and in carrying out the provisions of this act.

SECTION 11.) APPROPRIATION.) There is hereby appropriated out of the equalization fund the sum of one hundred and sixty-four thousand dollars or whatever portion may be necessary for the purpose of paying teaching preparation scholarships in an amount not to exceed one hundred and fifty-nine thousand dollars for the administration of this act not to exceed five thousand dollars.

SECTION 12. 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, 1949.

ELECTIONS

CHAPTER 163

Senate Bill No. 229
(Day by request)

**CONSTITUTIONAL AMENDMENTS, ADVERTISEMENT; IN-
DIVIDUAL NOMINATIONS; PERSONS NOMINATED; NUMBER
AND TERMS PRECINCT COMMITTEEMEN**

AN ACT

To amend and reenact section 16-0107 of the 1947 Supplement to the North Dakota Revised Code of 1943 and sections 16-0301, 16-0804 and 16-1702 of the North Dakota Revised Code of 1943, relating to election laws.

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

SECTION 1. AMENDMENT.) Section 16-0107 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0107. CONSTITUTIONAL AMENDMENTS TO BE ADVERTISED.) Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall, not less than thirty days before election, certify the same to the auditor of each county in the state, and the auditor of each county shall cause notice thereof to be included in the notice required by law for the election. Questions to be submitted to the people of the county shall be advertised in the same manner.

SECTION 2. AMENDMENT.) Section 16-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0301. INDIVIDUAL NOMINATIONS MAY BE MADE.) Nominations of candidates, for an office to be filled at a general or special election except an office appearing on the no-party ballot may be made as provided in this chapter and the names of such candidates shall be placed on the ballot in the individual column.

SECTION 3. AMENDMENT.) Section 16-0804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0804. PERSONS NOMINATED; PARTISAN NOMINATIONS PROHIBITED.) The candidate or candidates receiving the highest number of votes to the extent of double the number of persons to be elected to any office, if that many or more candidates are running, shall be nominated thereto. No partisan nominations shall be made for any of the offices mentioned in section 16-0801.

SECTION 4. AMENDMENT.) Section 16-1702 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1702. NUMBER OF PRECINCT COMMITTEEMEN POLITICAL PARTY ENTITLED TO; TERM OF.) Each political party in each voting precinct in this state shall be entitled to elect one precinct committeeman for each two hundred and fifty votes, or major fraction thereof, cast in such precinct at the last preceding presidential election for the presidential electors of such party. Each precinct shall be entitled to at least one precinct committeeman for each national party. Each precinct committeeman shall be an elector of his precinct and shall be elected to serve for a term of four years and until his successor is elected and qualified.

Approved March 8, 1949.

CHAPTER 164

House Bill No. 7
(Legislative Research Committee)

ORDER FOR OFFICE NAMES, PRIMARY ELECTION BALLOT AN ACT

To amend and reenact section 16-0416 of the North Dakota Revised Code of 1943, relating to the primary election ballot.

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

SECTION 1. AMENDMENT.) Section 16-0416 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0416. ORDER IN WHICH NAMES OF OFFICES SHALL APPEAR ON BALLOT.) The names of offices for which party nominations shall be made on the primary ballot shall be the following, which shall appear in each party column in this order:

1. Congressional:
 - United States senator
 - Representative in congress

2. Legislative :
 - State senatordistrict
 - Member of house of representativesdistrict
3. State offices :
 - Governor
 - Lieutenant governor
 - Secretary of state
 - State auditor
 - State treasurer
 - Attorney general
 - Commissioner of insurance
 - Commissioner of agriculture and labor
 - Commissioner of public service

Approved February 3, 1949.

CHAPTER 165

Senate Bill No. 95
(Streibel)

BOARDS OF ELECTIONS; MEMBERS QUALIFICATIONS

AN ACT

To amend and reenact section 16-1001 of the North Dakota Revised Code of 1943, relating to boards of elections and prescribing qualifications.

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

SECTION 1. AMENDMENT.) Section 16-1001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1001. BOARD OF ELECTIONS: WHAT CONSTITUTES; QUALIFICATIONS OF MEMBERS.) The judges of election, together with the inspector of elections, shall constitute the board of elections. No person shall be a member of the board of elections who:

1. Has anything of value bet or wagered on the results of an election;
2. Is a candidate at an election; or
3. Is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother or sister, of any candidate at an election.

Approved March 7, 1949.

CHAPTER 166

Senate Bill No. 31
(Legislative Research Committee
at the request of the Secretary of State)

CANVASSING ELECTION RETURNS

AN ACT

To amend and reenact sections 16-1315, 16-1320, 16-1322, 16-1324, 16-1330, 16-1336, and 16-1337 of the North Dakota Revised Code of 1943, relating to canvassing returns of elections.

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

SECTION 1. AMENDMENT.) Section 16-1315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1315. COUNTY CANVASSING BOARD MEETS WHEN; OATH REQUIRED.) As soon as the returns are received by the county auditor, but not later than one week after each election, the county canvassing board shall meet and, after taking the oath of office, shall proceed to open and publicly canvass such returns.

SECTION 2. AMENDMENT.) Section 16-1320 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1320. COUNTY AUDITOR TO TRANSMIT ABSTRACT OF VOTES TO SECRETARY OF STATE AFTER PRIMARY ELECTION.) Except as otherwise provided in section 16-1322, the county auditor of each county, under his official seal, shall return to the secretary of state by registered mail within fifteen days after the day of any primary election, a certified abstract, under separate political designation or principle, or no-party designation, as the case may be, of the total number of votes cast in his county and the votes cast for every candidate for nomination for United States senator, member of congress, state officers, judges of the supreme court, judges of the district court, and members of the legislative assembly. The county auditor also shall file with the secretary of state a certificate showing the names and addresses of the persons nominated under the several political designations and principles in his county.

SECTION 3. AMENDMENT.) Section 16-1322 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1322. CANVASSING VOTES OF PRIMARY ELECTION WHEN LEGISLATIVE DISTRICT COMPOSED OF MORE THAN ONE COUNTY; CERTIFICATE OF NOMINATION.) When two or more counties are embraced in one legislative district, the respective county auditors shall attend at the office of the county auditor of the senior county of such district, within twelve days after a primary election, and in conjunction with the auditor of the senior county, shall compare the votes cast in the several counties comprising such district and immediately shall make out certificates of nomination as provided in section 16-1321 for the persons of each political party or principle having the highest number of votes in such district for members of the legislative assembly. Such certificates of nomination shall be forwarded by the county auditor of the senior county, without delay, to the secretary of state, by registered mail. The county auditor of the senior county shall give notice in writing to all the nominees for the legislative assembly nominated in such district.

SECTION 4. AMENDMENT.) Section 16-1324 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1324. COUNTY AUDITOR TO FORWARD ABSTRACT OF VOTES OF GENERAL ELECTIONS TO SECRETARY OF STATE; CONTENTS: ABSTRACT FOR PRESIDENTIAL ELECTORS.) Within fifteen days following any general election, the county auditor of each county, under his official seal, shall return to the secretary of state a certified abstract of the votes cast in his county at such election for each candidate for state and congressional offices, judges of the district courts, candidates for the legislative assembly, and for amendments to the constitution and other measures. In presidential years, the county auditor shall make a separate certified abstract of the votes cast for electors for president and vice president of the United States. Such separate abstract for electors shall be sealed, endorsed "presidential election returns," and shall be transmitted by registered mail to the secretary of state without delay. At the time that the county auditor transmits the certified abstract of the votes cast in his county, he shall file with the secretary of state a certificate showing the names and addresses of the persons who were elected to the various county offices in his county.

SECTION 5. AMENDMENT.) Section 16-1330 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1330. TIE EXISTING BETWEEN MEMBERS ELECTED TO LEGISLATIVE ASSEMBLY.) When a tie exists between two or more persons for the senate or house of representatives, if the legislative district is within the boundary of one county, the auditor of such

county, and, if such district is within the boundaries of more than one county, then the county auditor of the county casting the greater number of votes for the office of governor, immediately, by registered letter, addressed to each candidate at his postoffice address, shall give notice to the persons having equal and the highest number of votes, to attend at his office at a time appointed by him, which shall not be more than ten days after the tie shall have been declared by such county auditor. Such persons then shall proceed publicly to decide by lot which of the persons shall be declared elected, and such auditor shall certify the results to the secretary of state who shall make and deliver to the person elected a certificate of his election as provided in this chapter.

SECTION 6. AMENDMENT.) Section 16-1336 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1336. MEETING OF STATE BOARD OF CANVASSERS FOR PRIMARY ELECTIONS; PURPOSE.) On call of the secretary of state but not later than twenty days next following a primary election, the state board of canvassers shall meet at the office of the secretary of state for the purpose of canvassing and ascertaining the result of a primary election.

SECTION 7. AMENDMENT.) Section 16-1337 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1337. MEETING OF STATE BOARD OF CANVASSERS FOR GENERAL AND SPECIAL ELECTIONS.) For the purpose of canvassing and ascertaining the result of an election, the state board of canvassers shall meet at the office of the secretary of state on call of the secretary of state not later than twenty days after any such election. The secretary of state shall notify the other members of the board of such meeting.

Approved March 7, 1949.

CHAPTER 167

Senate Bill No. 96
(Streibel)

COUNTY COMMITTEE OF POLITICAL PARTIES

AN ACT

To amend and reenact section 16-1709 of the North Dakota Revised Code of 1943, relating to county committee of political parties.

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

SECTION 1. AMENDMENT.) Section 16-1709 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1709. COUNTY COMMITTEE OF POLITICAL PARTY; HOW CONSTITUTED.) The precinct committeeman of a party, elected or appointed as provided in this chapter, together with the nominees for, and the members of the legislative assembly of that party, shall constitute the county committee of such party.

Approved March 8, 1949.

FIRES

CHAPTER 168

House Bill No. 53
(Committee on Appropriations)

INSURANCE TAX — FIRE DEPARTMENTS

AN ACT

To amend and reenact section 18-0405 of the North Dakota Revised Code of 1943, providing for an appropriation for fire departments; and declaring an emergency.

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

SECTION 1. AMENDMENT.) That section 18-0405 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

18-0405. AMOUNT DUE CITIES: CERTIFICATE OF COMMISSIONER OF INSURANCE TO STATE AUDITOR.) The amount due to a

city or village entitled to benefits under the provisions of this chapter shall be two percent of the premium received by insurance companies on fire insurance policies issued on property within such city or village. The commissioner of insurance shall compute the amounts due to the several cities and villages and shall certify such amounts to the state auditor on or before June first in each year. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, as a standing and continuing appropriation, such sums as may be necessary to make payments as provided in this section.

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

Approved February 8, 1949.

FOODS, DRUGS, OILS, AND COMPOUNDS

CHAPTER 169

Senate Bill No. 185
(Shure)

LABELING OF FLOUR

AN ACT

To repeal section 19-0209 of the North Dakota Revised Code of 1943, relating to the labeling of flour, and declaring an emergency.

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

SECTION 1. REPEAL.) Section 19-0209 of the North Dakota Revised Code of 1943 is hereby repealed.

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

Approved March 8, 1949.

CHAPTER 170

House Bill No. 329
(Leier and Langseth)

OLEOMARGARINE TAX

AN ACT

To amend and reenact section 19-0508 of the North Dakota Revised Code of 1943, relating to tax on oleomargarine.

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

SECTION 1. AMENDMENT.) Section 19-0508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0508. TAX ON OLEOMARGARINE; CONTAINERS FOR SALE; TAX STAMPS TO BE AFFIXED.) The state treasurer shall collect a tax of ten cents per pound upon all oleomargarine sold to consumers in this state. An additional tax of ten cents per pound shall be collected upon all oleomargarine which is yellow in color sold to consumers in this state. Oleomargarine shall not be sold in this state in packages containing less than one pound nor more than thirty pounds. Whenever a box, carton, or other container of oleomargarine is received by a retailer, he shall attach to each package a stamp denoting the payment of the tax upon the oleomargarine therein contained. Such stamps shall be canceled in the manner required by the department. If a manufacturer, wholesaler, or distributor sells to other than a retail dealer, such manufacturer, wholesaler, or distributor shall attach and cancel the required stamps on such sales. Oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the lovibond tintometer scale or its equivalent.

Approved March 10, 1949.

CHAPTER 171

House Bill No. 36
(Legislative Research Committee)
(at the request of the State Laboratories Department)

REGISTRATION COMMERCIAL FEED BRANDS IN LIEU OF
TONNAGE REPORT

AN ACT

To amend and reenact section 19-1305 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to the regulating of the sale of commercial feeding stuffs in small packages.

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

SECTION 1. AMENDMENT.) Section 19-1305 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-1305 SEMI-ANNUAL REPORT BY LICENSEES.) All corporations, firms, or persons engaged in the manufacture of commercial feeds sold in this state shall on or before the fifteenth day of January and the fifteenth day of July of each year, make statement under oath, in due form of law, which shall be filed with the state laboratories department, and which shall set forth the number of net tons of such commercial feeds sold or distributed in this state during the six preceding calendar months, and upon such a statement shall make payment to the state laboratories department the sum of twenty cents per net ton of two thousand pounds. In lieu of the said tonnage report and tax, commercial feeding stuffs in cans or small packages of ten pounds or less may be registered upon payment of an annual registration fee of fifteen dollars for each such brand. Each statement of tonnage sold shall have included with such statement a permit granting to the state food commissioner and chemist or his agent permission to verify such statement of tonnage from the records of the party submitting the tonnage report. All fees received by the state laboratories department, as provided for in this chapter, shall be properly recorded by him and forwarded monthly to the treasurer of the state of North Dakota.

Approved February 9, 1949.

CHAPTER 172

House Bill No. 38
(Legislative Research Committee)
(at the request of the State Laboratories Department)

REGULATING SALE AND DISTRIBUTION OF COMMERCIAL
FERTILIZERS, ETC.

AN ACT

To regulate the sale and distribution of mixed fertilizers and fertilizer materials and repealing chapter 19-15 of the North Dakota Revised Code of 1943.

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

SECTION 1. TITLE.) This act shall be known as the North Dakota fertilizer law of 1949.

SECTION 2. ENFORCEMENT.) This act shall be administered by the state laboratory department of the state of North Dakota, hereinafter referred to as the "department."

SECTION 3. DEFINITIONS OF WORDS AND TERMS.) When used in this act, unless the context or subject matter otherwise requires:

1. "Person" includes individuals, partnerships, associations, firms, and corporations;
2. Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular;
3. "Commercial fertilizer" includes both mixed fertilizer and fertilizer materials;
4. "Fertilizer material" means any substance containing nitrogen, phosphoric acid, potash, or any recognized plant food element or compound which is used primarily for its plant food content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures;
5. "Mixed fertilizer" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth, with or without inert materials;
6. "Distributor" means any person who offers for sale, sells, barter, or otherwise supplies commercial fertilizers;
7. "Sell" or "sale" includes exchange;
8. "Grade" means the minimum percentage of total nitrogen, available phosphoric acid, and soluble potash stated in

- the order given in this subsection and, when applied to mixed fertilizers, shall be in whole numbers only;
9. "Brand" means the name, and other designations under which a commercial fertilizer is distributed in this state;
 10. "Official sample" means any sample of commercial fertilizer taken by the department or its agents according to methods prescribed by this act;
 11. "Ton" means a net ton of two thousand pounds avoirdupois;
 12. "Percent" or "percentage" means the percentage by weight; and
 13. "Specialty fertilizer" means any fertilizer distributed primarily for use on crops grown for non-commercial purposes such as gardens, lawns, shrubs, and flowers and may include fertilizers used for research or experimental purposes.

SECTION 4. REGISTRATION.)

1. Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold, or distributed in this state. The application for registration shall be submitted in duplicate to the department on forms furnished by the department, and shall be accompanied by a remittance of five dollars per brand and grade for a registration fee. Upon approval by the department a copy of the registration shall be furnished to the applicant. All registrations expire on June thirtieth of each year. The application shall include the following information in the following order:
 - a. The name and address of the person guaranteeing registration;
 - b. The brand and grade;
 - c. The guaranteed analysis showing the minimum percentage of plant food in the following form and order:

Total nitrogenpercent
Available phosphoric acidpercent
Soluble potashpercent
 - d. The sources from which the nitrogen, phosphoric acid, and potash are derived;
 - e. Additional plant food elements, determinable by chemical control methods may be guaranteed only by permission of the department. When any such additional

- plant food elements are included in the guarantee, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the department; and
- f. The department may permit or require the potential basicity or acidity, expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton, to be registered and guaranteed.
2. The distributor of any brand and grade of commercial fertilizer shall not be required to register the same if it has already been registered under this act by a person entitled to do so and such registration is then in effect;
 3. The plant food content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

SECTION 5. LABELING.)

1. Any commercial fertilizer offered for sale or sold or distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container the net weight and the data required by subdivisions a, b, c, e, and f of subsection 1 of section 4 either on tags to be affixed to the end of the package midway between the ears or on the sewed end, or directly on the package in which case, for bags containing fifty pounds or more, the grade shall appear also on the end of the package in type that is plainly legible; and
2. If transported in bulk, the net weight and the data, in written or printed form, as required by subsection 1 of this section shall accompany delivery and be supplied to the purchaser.

SECTION 6. INSPECTION FEE.)

1. There shall be paid to the department for all commercial fertilizer offered for sale, sold, or distributed in this state an inspection fee at the rate of ten cents per ton, provided that products sold to manufacturers or exchanged between them are exempt when used exclusively for manufacturing purposes; and
2. Payment of the inspection fee levied by subsection 1 of this section shall be made on the basis of semi-annual tonnage reports signed before a witness and filed with the department by the person to whom fertilizer registration is issued. The tonnage reports shall cover the semi-annual periods ending June thirtieth and December thirty-first of each year and shall be filed with the department not later than fifteen days after the close of each semi-annual period. Remittance to cover the inspection fee at the rate prescribed in subsection 1 of this

section shall accompany each tonnage report. Each tonnage report shall grant to the department or authorized agents permission to verify the records upon which such statement of tonnage is based.

SECTION 7. INSPECTION, SAMPLING, ANALYSES.)

1. It shall be the duty of the department, which may act through its authorized agents, to sample, inspect, make analyses of, and test commercial fertilizers offered for sale, sold or distributed within this state at such time and place and to such an extent as it may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this act, and the department shall have the further authority to obtain such additional information as it may deem advisable. The department, through its agents, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of this act and the rules and regulations thereto;
2. An official fertilizer sample shall be one drawn from a lot or shipment of fertilizer sold or exposed for sale in this state in the manner prescribed by the department. In sampling a lot of commercial fertilizer packaged in containers of less than ten pounds, a single package may constitute the official sample; and
3. The methods of analysis shall be those adopted by the department from published sources such as those of the association of official agricultural chemists.

SECTION 8. MINIMUM PLANT FOOD CONTENT.) No superphosphate containing less than sixteen percent available phosphoric acid nor any mixed fertilizer in which the sum of the guarantees for the nitrogen, available phosphoric acid, and soluble potash totals less than twenty percent shall be offered for sale, sold or distributed in this state except for complete fertilizers containing one-fourth or more of their nitrogen in water-insoluble forms of plant or animal origin, in which case the total nitrogen, available phosphoric acid, and soluble potash need not total more than eighteen percent.

SECTION 9. FALSE OR MISLEADING STATEMENTS.) A commercial fertilizer is misbranded if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container or in any printed advertising matter issued by the distributor that registered said fertilizer. It shall be unlawful to sell, offer for sale or distribute a misbranded commercial fertilizer in this state.

SECTION 10. GRADE-TONNAGE REPORTS.) Each person registering commercial fertilizers under this act shall furnish the de-

partment with a confidential written statement of the tonnage of each grade of fertilizer sold by him in this state. Such statement shall include all sales for the periods of July first to and including December thirty-first and of January first to and including June thirtieth of each year. The department may cancel the registration of any person failing to comply with this section if such statement is not made within thirty days from date of the close of each period. The department, however, may grant a reasonable extension of time. No information furnished under this section shall be disclosed in such a way as to divulge the operations of any person.

SECTION 11. PUBLICATIONS.) The department shall publish at least annually, in such forms as it may deem proper, information concerning the sales of commercial fertilizers, together with such data on their production and use as it may consider advisable, and a report of the results of the analyses based on official samples of commercial fertilizers sold within the state as compared with the analyses guaranteed under sections 4 and 5, provided that the information concerning production and use of commercial fertilizers shall be shown separately for the periods July first to December thirty-first and January first to June thirtieth of each year, and that no disclosure shall be made of the operations of any person.

SECTION 12. RULES AND REGULATIONS.) For the enforcement of this act, the department is authorized to prescribe and, after public hearing following due public notice, to enforce such rules and regulations relating to the distribution of commercial fertilizers as it may find necessary to carry into effect the full intent and meaning of this act.

SECTION 13. CANCELLATION OF REGISTRATIONS.) The department is authorized and empowered to cancel the registration of any commercial fertilizer or to refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this act or any rules and regulations promulgated thereunder. No registration shall be revoked or refused until the registrant shall have been given a hearing by the department.

SECTION 14. "STOP SALE" ORDERS.) It shall be the duty of the department to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the department finds said commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of this act or any regulation issued thereunder, until the law has been complied with and said commercial fertilizer is released in writing by the department or said violation has been otherwise legally disposed of by written authority.

SECTION 15. SEIZURE, CONDEMNATION, AND SALE.) Any lot of commercial fertilizer not in compliance with the provisions of this act shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of this act and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the character of the commercial fertilizer and the laws of this state, provided that in no instance shall the disposition of said commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or for permission to process or re-label said commercial fertilizer under supervision of the department to bring it into compliance with this act.

SECTION 16. VIOLATIONS.)

1. Any person violating any of the provisions of this act or any rule or regulation issued thereunder shall be guilty of a misdemeanor; and
2. Nothing in this act shall be construed as requiring the department or its representatives to report for prosecution or for the institution of seizure proceedings minor violations of the act when it believes that the public interests will be best served by a suitable notice of warning in writing; and
3. It shall be the duty of each states attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

SECTION 17. EXCHANGES BETWEEN MANUFACTURERS.) Nothing in this act shall be construed to restrict or void sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers or manipulators who have registered their brands as required by the provisions of this act.

SECTION 18. CONSTITUTIONALITY.) If any clause, sentence, paragraph, or part of this act shall for any reaason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 19. REPEAL.) That chapter 19-15 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 9, 1949.

CHAPTER 173

House Bill No. 37
(Legislative Research Committee)
at the request of the
(State Laboratories Department)

MISBRANDING OF ANTI-FREEZE

AN ACT

To amend and reenact sections 19-1603 of the North Dakota Revised Code of 1943 and 19-1604 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to anti-freeze.

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

SECTION 1. AMENDMENT.) Section 19-1603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-1603. MISBRANDING; WHAT CONSTITUTES.) An anti-freeze shall be deemed to be misbranded:

1. If its labeling is false or misleading in any particular;
2. If in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of weight or measure, and these facts are not stated plainly and correctly on the outside of the package; or
3. If the product is to be diluted with another substance for use and does not bear on the label, or in an accompanying instruction sheet, folder or booklet, a statement or chart showing appropriate amounts of each substance to be used to provide protection from freezing at various degrees of temperature down to at least thirty degrees below zero Fahrenheit.

SECTION 2. AMENDMENT.) Section 19-1604 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-1604. LICENSE REQUIRED.) Before any anti-freeze can be sold, exposed for sale, or held with intent to sell, within the state, it must be licensed by the state laboratories department. Upon application of the manufacturer or distributor and the payment of the fee prescribed in this section, the state laboratories department shall license any anti-freeze not in violation of the provisions of sections 19-1602 and 19-1603. Such license shall be

good for one year unless sooner canceled or a change is made in the name, brand, or trademark under which such anti-freeze is sold. If the product does not meet all requirements of law, a license for it shall be refused and its sale shall be unlawful. Application for a license and payment of the license fee shall be made annually during the month of June of every year or prior to placing such anti-freeze on the market, and said license shall expire June thirtieth of the year next following its issuance provided that all anti-freeze licenses issued during the period from January 1, 1949 to June 30, 1949 shall not expire until June 30, 1950. The license fee shall be twenty dollars for each brand of anti-freeze sold and such fee shall be deposited with the state treasurer to the credit of the general fund.

Approved February 26, 1949.

CHAPTER 174

Senate Bill No. 226
(Stucke, Bilden and Mehlhaff)

BARBITURATES, SALE, ETC.

AN ACT

To regulate the handling, sale, and distribution of barbiturates.

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

SECTION 1. FINDING AND DECLARATION OF POLICY AND PURPOSE.) The legislative assembly of the state of North Dakota hereby finds that it is essential to the public health and safety to regulate and control the handling, sale, and distribution of barbiturates, as refined in this act. It is therefore, hereby declared to be the policy and intent of the legislative assembly and the purpose of this act to regulate and control such handling, sale, and distribution, and, in particular, but without limitation of such purpose, to ensure that the public shall receive the therapeutic benefits of barbiturates under medical supervision to the full extent required to assure safety and efficiency in their use, to complement and supplement the laws and regulations of the congress of the United States and the appropriate agencies of the federal government affecting such handling, sale, and distribution; to prevent such handling, sale, or distribution for harmful or illegitimate purposes, and to place upon manufacturers, wholesalers, licensed compounders of prescriptions, and persons prescribing such drugs,

a basic responsibility for preventing the improper distribution of such drugs to the extent that such drugs are produced, handled, sold, or prescribed by them.

SECTION 2. DEFINITIONS.) For the purpose of this act :

1. "Barbiturate" means the salts and derivatives of barbituric acid, also known as malonyl urea having hypnotic or somnifacient action, or compounds of any preparations or mixtures thereof ;
2. "Delivery" means sale, dispensing, giving away, or supplying in any other manner ;
3. "Patient" means, as the case may be, the individual for whom a barbiturate is prescribed or to whom a barbiturate is administered, or the owner or the agent of the owner of the animal for which a barbiturate is prescribed or to which a barbiturate is administered ;
4. "Person" includes individual, corporation, partnership, and association ;
5. "Practitioner" means a person licensed by law to prescribe and administer barbiturates ;
6. "Pharmacist" means a person duly registered with the state board of pharmacy as a compounder, dispenser, and supplier of drugs upon prescription ;
7. "Prescription" means a written order by a practitioner to a pharmacist for a barbiturate for a particular patient, which specifies that date of its issue, the name and address of such practitioner, the name and address of the patient and, if such barbiturate is prescribed for an animal, the species of such animal, the name and quantity of the barbiturate prescribed, the direction for use of such drug, and the signature of such practitioner ;
8. "Manufacturer" means persons other than pharmacists who manufacture barbiturates, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process ;
9. "Wholesaler" means persons engaged in the business of distributing barbiturates to persons included in any of the classes named in subsections 1 to 6, inclusive, of section 5 of this act ; and
10. "Warehousemen" means persons who store barbiturates for others and who have no control over the disposition of such barbiturates except for the purpose of such storage.

SECTION 3. PROHIBITED ACTS.) The following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure to act are hereby declared unlawful :

1. The delivery of any barbiturate, except as provided in section 5 of this act unless:
 - a. Such barbiturate is delivered by a pharmacist, upon an original prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing the name and address of the owner of the establishment from which such drug was delivered, the date on which the prescription for such drug was filled, the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription, the name of the practitioner who prescribed such drugs, the name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal, and the directions for use of the drug as contained in the prescription; or
 - b. Such barbiturate is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appears the directions for use of such drug, the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal a statement showing the species of the animal.
2. The failure by a practitioner who, by telephone or otherwise, gives a prescription to a pharmacist, to furnish such prescription to such pharmacist in writing within seventy-two hours;
3. The refilling of any prescription for a barbiturate unless and as designated on the prescription by order of the practitioner;
4. The delivery of a barbiturate upon prescription unless the pharmacist who filled such prescription files and retains it is required by subsection 3 of section 5 of this act;
5. The possession of a barbiturate by any person, unless such person obtained such drug on the prescription of a practitioner;
6. The refusal to make available and to accord full opportunity to check any record or file, as required by section 7 of this act;
7. The failure to keep records as required by subsection 1 or 2 of section 6 of this act; and
8. The using of any person to his own advantage, or revealing, other than to an officer or employee of the board of pharmacy, or to a court when relevant in a judicial pro-

ceeding under this act, any information required under the authority of section 7 of this act, concerning any method or process which as a trade secret is entitled to protection.

SECTION 4. EXEMPTIONS.)

1. Nothing in this act shall apply to compounds, mixtures, or preparations containing, in addition to a barbiturate, sufficient quantity of another drug or drugs to cause the compound, mixture, or preparations to possess other than an hypnotic or somnifacient action; and
2. Nothing in this act shall apply to any compound or mixture or preparation that is intended to be used as a spray or gargle or a liniment or in any other way for external application if such compound, mixture, or preparation contains, in addition to the barbiturate, some other drug or drugs rendering it unfit for internal administration, and such compounds or mixtures or preparations are sold in good faith for the purpose for which they are intended and not for the purpose of evading the provisions of this act.

SECTION 5. ADDITIONAL EXEMPTIONS.) The provisions of subsection 1 and 4 of section 3 of this act shall not be applicable to the delivery of barbiturates to persons included in any of the classes hereinafter named, or to the agents or employees of such person, for use in the usual course of their business or practice or in the performance of their official duties, or to the possession of barbiturates by such persons or their agents or employees for such use:

1. Pharmacists;
2. Practitioners;
3. Persons who procure barbiturates for disposition by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale;
4. Hospitals and other institutions which procure barbiturates for lawful administration by practitioners;
5. Officers or employees of federal, state, or local governments; and
6. Manufacturers, wholesalers, carriers and warehousemen.

SECTION 6. RECORDS.)

1. Persons other than carriers and practitioners, to whom the provisions of section 5 of this act are applicable shall keep complete records showing all stocks of barbiturates on hand, and all receipts and deliveries of barbiturates by such persons, their agents and employees;

2. Practitioners shall keep complete records showing all stocks of barbiturates on hand on the effective date of this act, all receipts of barbiturates by them, their agents and employees, and the name and quantity of each barbiturate dispensed or administered by them, the date it was dispensed or administered, the name and address of the patient, and, if such barbiturate was prescribed for or administered to an animal, the species of the animal.
3. Pharmacists shall keep complete records showing all stocks of barbiturates on hand on the effective date of this act, all receipts of barbiturates by them, and shall file each prescription received by them with appropriate number and date of each refill pursuant thereto, and retain such prescriptions for a period of not less than two calendar years immediately following the date of the last filling or refilling. In the case of sales under the provisions of section 5 of this act, the names and quantity of the barbiturate sold, the date it was sold and the name and address of the purchaser shall be kept of record; and
4. The usual commercial or other records maintained by manufacturers, wholesalers, practitioners, or pharmacists, with the exception of the inventory of the initial stock on hand, shall suffice to meet the requirements of this section. Such records shall be preserved for a period of not less than two calendar years.

SECTION 7. AVAILABILITY OF RECORDS.) Persons required to keep files or records, relating to barbiturates by section 6 of this act shall, upon the written request of an officer or employee duly designated by the board of pharmacy, make such files or records available to such officer or employee, at all reasonable hours, for inspection and copying, and accord such officer or employee full opportunity to check the correctness of such files or records including opportunity to make inventory of all stocks of barbiturates on hand, and it shall be unlawful for any such person to fail to make such files or records available or to accord such opportunity to check their correctness.

SECTION 8. REGULATIONS.) The board of pharmacy is hereby authorized to promulgate the necessary regulations for the administration and enforcement of this act.

SECTION 9. PENALTIES.) Any person who violates any of the provisions of section 3 of this act upon conviction thereof shall be subject to imprisonment for not more than one year, or a fine of not more than five hundred dollars, or both such im-

prisonment and fine, but if the violation is committed after a conviction of such person under this act has become final such person shall be subject to imprisonment for not more than two years or a fine of not more than one thousand dollars, or both such imprisonment and fine.

Approved March 18, 1949.

GAME, FISH, AND PREDATORS

CHAPTER 175

Senate Bill No. 39
(Legislative Research Committee)
(at the Request of the Game and Fish Department)

SHINING FOR RACCOON LEGALIZED

AN ACT

To amend and reenact sections 20-0105, 20-0106 and subsection 4 of 20-0503 of the North Dakota Revised Code of 1943, making it legal to shine for raccoon.

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

SECTION 1. AMENDMENT.) Section 20-0105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0105. HUNTING WITH ARTIFICIAL LIGHT PROHIBITED; EXCEPTION.) Any person who shall pursue, shoot, kill, take or attempt to take any wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any other artificial light of any kind, shall be guilty of a misdemeanor, but nothing in this section shall be construed to make it unlawful for any person to use a lantern, spotlight, or other artificial light to assist him in pursuing and shooting on his premises any coyote, fox, skunk, mink, raccoon, weasel, owl, rabbit, or other predatory animal or bird, attacking and attempting to destroy such person's poultry livestock, or other property, providing, however, that it shall be permissible to use a flashlight of not more than two cells in the aggregate of three volts for the purpose of aiding in the taking of raccoon during the open season on such animal.

SECTION 2. AMENDMENT.) Section 20-0106 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0106. HOURS FOR HUNTING GAME BIRDS AND PROTECTED ANIMALS.) No person during the time elapsing between actual sunset of one day and one-half hour before sunrise of the next day, shall hunt, pursue, catch, shoot at, or in any manner molest, any game bird or protected animal within the borders of this state. The provisions of this section shall not apply to the trapping of fur-bearing animals by the holder of a lawfully issued trapping license, nor to the taking of racoon as permitted by section 20-0105. The hours and manner of hunting game birds and game animals may be restricted further by a proclamation issued by the governor pursuant to the provisions of chapter 8 of this title.

SECTION 3. AMENDMENT.) Subsection 4 of section 20-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0503. USING DOGS, HORSES, ARTIFICIAL PLATFORMS, BLINDS, AND ARTIFICIAL LIGHTS IN TAKING BIG GAME UNLAWFUL.)

4. Engage in the practice commonly known as shining for deer, and any person or persons, who shall shine any area, plot, or territory commonly frequented by big game animals with, or by reason of, any artificial light, between the hours of sunset and sunrise, shall be deemed to have violated the provisions of this section, except that any person using a flashlight of not over two cells in the aggregate of three volts as an aid in the taking of raccoon shall not be deemed to have violated this section.

SECTION 4.) In the killing, shooting, pursuit, taking or in attempting to take raccoon with the use of a flashlight of not over two cells in the aggregate of three volts it shall be illegal to use a rifle capable of firing a shell larger than a twenty two long rifle shell, or a shotgun larger than a 410 gauge. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Approved March 8, 1949.

CHAPTER 176

Senate Bill No. 47
(Legislative Research Committee
at the request of the Game and Fish Department)

POLICE POWERS OF GAME AND FISH COMMISSIONER,
DEPUTY COMMISSIONER AND BONDED APPOINTEES

AN ACT

To amend and reenact section 20-0217 of the North Dakota Revised Code of 1943, relating to the police powers of the game and fish commissioner, deputy commissioner and bonded appointees of the commissioner.

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

SECTION 1. AMENDMENT.) Section 20-0217 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0217. POLICE POWERS OF COMMISSIONER, DEPUTY COMMISSIONER, AND BONDED APPOINTEES OF COMMISSIONER.) The commissioner, deputy commissioner, and any bonded appointees of the commissioner shall have the power:

1. Of a peace officer for the purpose of enforcing the provisions of this title and any other laws of this state or regulations thereunder relating to game birds, game animals, fish, and other wildlife;
2. To make arrests upon view and without warrant for any violation committed in his presence of any of the provisions of this title and any other laws of this state or regulations thereunder, relating to game birds, game animals, fish, and other wildlife;
3. To enter and inspect any hotel, restaurant, cold storage warehouse, plant, ice house, or any building used for the storage of dressed meat, game, or fish for the purpose of determining whether game or fish, or parts thereof, are kept or stored therein in violation of any of the provisions of this title;
4. To open, enter, and examine, without warrant, all buildings, camps, tents, vessels, boats, wagons, automobiles or other vehicles, cars, crates, boxes, and other receptacles and places when he has reason to believe that game or fish, or parts thereof, or green furs which have been taken or are held or possessed in violation of any of the provisions of this title may be found. The right to enter and search without a warrant, however, shall not apply

- to the entry or search of the dwelling house or living quarters of any person or of a sealed railroad car;
5. To open and examine any package in the possession of a common carrier which he suspects or has reason to believe contains game or fish, or parts thereof, taken or held in violation of any of the provisions of this title, or which is falsely labeled in violation of any of such provisions. Every such common carrier, and every agent, servant, or employee thereof, shall permit any such officer to open and examine any such package. Any package so opened and not confiscated shall be restored to its original condition by the officer making the examination;
 6. To enter, without warrant, upon the premises of any dealer or trader in green furs for the purpose of inspecting any warehouse, storerooms, or other places used for storage purposes, and may call for and inspect records of buying, shipping, or selling of green furs. The right to enter and search without a warrant, however, shall not apply to the entry or search of the dwelling house or the living quarters of any person or of a sealed railroad car;
 7. To seize and hold, subject to the order of the court having jurisdiction of the offense, any green furs obtained illegally; and
 8. To inspect all premises used for the purpose of propagating and domesticating protected game birds or protected animals.

Approved February 26, 1949.

CHAPTER 177

Senate Bill No. 44

(Legislative Research Committee)

(at the request of the Game and Fish Department)

LICENSES TO HUNT, TRAP, OR FISH

AN ACT

To amend and reenact sections 20-0301 and 20-0306 of the North Dakota Revised Code of 1943, relating to requirements for licenses to hunt, trap, or fish and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 20-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0301. LICENSES TO HUNT, TRAP, OR FISH REQUIRED OF RESIDENTS; PENALTY.) No resident of this state, except as otherwise provided in section 30-0307, shall:

1. Hunt, catch, take, or kill any game bird without having a resident hunting license as prescribed in this chapter;
2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal without having a resident trapping license as prescribed in this chapter; or
3. Catch, attempt to catch, take or kill any fish without having a resident fishing license as prescribed in this chapter.

Any person who shall violate any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment. Each violation of this section shall constitute a distinct and separate offense.

SECTION 2. AMENDMENT.) Section 20-0306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0306. LICENSES TO HUNT, TRAP, OR FISH REQUIRED OF NON-RESIDENTS; PENALTY.) No non-resident of this state except as otherwise provided in section 20-0307, shall:

1. Hunt, catch, take, or kill any game bird without having a hunting license as prescribed in this chapter;
2. Trap, catch, attempt to catch, take or kill any protected fur-bearing animal without having a non-resident trapping license as prescribed in this chapter; or
3. Catch, attempt to catch, take, or kill any fish without having a non-resident fishing license as prescribed in this chapter.

Any person who shall violate any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment. Each violation of this section shall be a distinct and separate offense.

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 7, 1949.

CHAPTER 178

Senate Bill No. 41
(Legislative Research Committee
at the request of the Game and Fish Department)

COMMERCIAL FISHING LICENSE FEES

AN ACT

To amend and reenact section 20-0314 of the North Dakota Revised Code of 1943, relating to fees for commercial fishing licenses, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 20-0314 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0314. COMMERCIAL FISHING LICENSES; WHO TO ISSUE; WHO MAY OBTAIN; FEES.) A commercial fishing license may be issued by the commissioner to any person having a regular resident or non-resident fishing license. The fees for commercial fishing licenses shall be as follows:

1. For each hoop net or trap to be used, the sum of five dollars;
2. For the first fifty feet, or fraction thereof, of net or seine to be used, the sum of five dollars and for each additional fifty feet, or fraction thereof, of net or seine to be used, the sum of five dollars; and
3. For each ten hooks or fraction thereof to be attached to each set line or throw line which is to be used, the sum of one dollar.

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

Approved February 26, 1949.

CHAPTER 179

House Bill No. 124
(Lillehaugen, Starck and Williams)

GOING AFIELD WITH GUN, ETC., WHILE INTOXICATED
UNLAWFUL; GAME WARDEN'S AUTHORITY; PENALTY

AN ACT

Making it unlawful to go afield with a gun or firearms while intoxicated; extending to game wardens the authority to enforce the act; and providing penalties.

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

SECTION 1. GOING AFIELD WITH GUN OR OTHER FIREARM WHEN INTOXICATED, PROHIBITED.) No person shall go afield a any time, with a gun or other firearm, when intoxicated or under the influence of intoxicating liquors. Upon conviction of a person for violating this act, the license to hunt of such person shall become void, and the justice of peace, county court judge or district judge before whom such conviction is had, shall take the license from the person so convicted, and mark it revoked, and send it to the state game and fish department at the state capitol in Bismarck.

If the conviction is reversed on appeal, the license so revoked shall be restored to the defendant.

SECTION 2. AUTHORITY OF GAME WARDENS.) Game wardens, including special wardens, shall have the authority of a general peace officer in the enforcement of the provisions of this act.

SECTION 3. PENALTY.) Any person violating the provisions of this act, as a first offense, shall be punishable by a fine of not more than ten (\$10.00) dollars. Any subsequent offense shall be punishable by a fine of not more than one hundred (\$100.00) dollars, and such person so convicted shall be ineligible to be licensed to hunt in the state of North Dakota for a period of two (2) years from and after such conviction.

Approved February 28, 1949.

CHAPTER 180

House Bill No. 236
(Stevens)

COMMENCEMENT DEER HUNTING SEASON; TIME OF DAY

AN ACT

Fixing the time of the day for the commencement of the deer hunting season, and prescribing a penalty for the violation thereof.

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

SECTION 1. TIME OF DAY FOR COMMENCEMENT OF DEER HUNTING SEASON.) The time of the day at which the deer hunting season shall open shall be at twelve o'clock noon on the first day of such deer hunting season.

SECTION 2. PENALTY.) Any person who shall violate the provisions of Section 1 of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Dollars (\$100.00), 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.

Approved March 9, 1949.

CHAPTER 181

Senate Bill No. 130
(Committee on Natural Resources)

SEALS TO BE ATTACHED TO BIG GAME CARCASSES

AN ACT

To amend and reenact subsection 2 of section 20-0507 of the North Dakota Revised Code of 1943, relating to the attaching of seals to the carcasses of big game animals and the manner of so doing, and declaring an emergency.

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

SECTION 1. AMENDMENT.) That subsection 2 of section 20-0507 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0507. SEALS TO BE ATTACHED TO CARCASSES OF BIG GAME ANIMALS; WHEN; COMMISSIONER TO FURNISH SEALS.)

2. Affix to the carcass of such animal, before it is transported in any manner, or offered for transportation, a metal locking seal bearing his big game hunting license number. Such seal shall be attached around the leg bone and under the tendon of such leg bone in such a manner as not to be lost or removed. Failure to attach such seal in the manner provided by this section shall be a misdemeanor and be punishable as provided by section 20-0508 of this title.

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

Approved March 7, 1949.

CHAPTER 182

Senate Bill No. 131
(Committee on Natural Resources)

PROTECTED FISH, CREEL AND POSSESSION LIMIT

AN ACT

To amend and reenact sections 20-0604 and 20-0605 of the North Dakota Revised Code of 1943, relating to creel limit on pike, the size of protected fish that may be taken.

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

SECTION 1. AMENDMENT.) Section 20-0604 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0604. CREEL AND POSSESSION LIMIT OF PROTECTED FISH.)

1. Five bass, trout, or landlocked salmon, nor more than five of any or all of the same combined;
2. Five wall-eyed pike or northern pike, nor more than five of both combined;

SECTION 2. AMENDMENT.) Section 20-0605 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0605. SIZE OF PROTECTED FISH THAT MAY BE TAKEN; SMALL FISH TO BE RETURNED UNHARMED; PENALTY.) No person, at any time, shall take, catch, kill, or have in his possession or under his control any:

1. Bass, trout or landlocked salmon, of any species, that is less than ten inches in length;
2. Crappie, of any species, that is less than six inches in length;
3. Sunfish, of any species, that is less than five inches in length; or
4. Pike, of any species, that is less than fourteen inches in length.

Any person catching any protected 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.

Approved March 19, 1949.

CHAPTER 183

Senate Bill No. 132
(Committee on Natural Resources)

MANNER OF TAKING FUR-BEARING ANIMALS

AN ACT

To amend and reenact section 20-0705 of the North Dakota Revised Code of 1943, relating to the methods of taking fur-bearing animals.

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

SECTION 1. AMENDMENT.- Section 20-0705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0705. MANNER OF TAKING BEAVERS, SKUNKS, MINKS, WEASELS, AND RACCOONS RESTRICTED; DESTRUCTION OF PROPERTY OF OTHERS UNLAWFUL.) It shall be unlawful:

1. To catch or kill badgers by pouring or running water into the burrow or retreat;
2. In any way to molest or destroy the natural burrow, den, or retreat of the raccoon;
3. For any person trapping or taking skunks, badgers, minks,

- weasels, or raccoons to destroy, damage or injure the personal or real property of another; or
4. For any person trapping or taking of any protected fur-bearing animal, except the skunk, to damage or molest the natural burrow or retreat of the animal or to use dogs in the taking or catching of mink.

Except it shall not in any way repeal the meaning of section 20-0706.

Approved March 7, 1949.

CHAPTER 184

Senate Bill No. 43

(Legislative Research Committee)

(at the Request of the Game and Fish Department)

OPEN SEASON ON GAME BIRDS, FISH AND GAME ANIMALS; VARIATIONS BY GOVERNOR'S ORDER OR PROCLAMATION

AN ACT

To amend and reenact sections 20-0501, 20-0502, 20-0801, 20-0802 and 20-0803 of the North Dakota Revised Code of 1943 and section 20-0703 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to open seasons on game birds, fish, and game animals and the variation of such open seasons by order or proclamation by the governor.

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

SECTION 1. AMENDMENT.) Section 20-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0501. BIG GAME ANIMALS PROTECTED.) No person shall hunt, pursue, take, attempt to take, possess, transport, ship, convey by common or private carrier, sell, barter, or exchange any big game animals except as provided in this title.

SECTION 2. AMENDMENT.) Section 20-0502 of the North Dakota Revised Code of 1943 is hereby amend and reenacted to read as follows:

20-0502. SEASON FOR TAKING AND TRANSPORTING DEER; BAG LIMIT ON DEER.) Any person having a big game hunting license as prescribed in this title may take, kill, and transport one deer, in this state, during the open or lawful season therefor which shall be between the twentieth day of November and the following

thirtieth day of November, both days inclusive, of each year, unless changed by proclamation of the governor in accordance with the provisions of this title.

SECTION 3. AMENDMENT.) Section 20-0703 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0703. SEASON FOR TAKING VARIOUS PROTECTED FUR-BEARING ANIMALS.) The open or lawful seasons for the taking or trapping of the various kinds of fur-bearing animals, unless changed by proclamation of the governor in accordance with the provisions of this title, shall be as follows:

1. Muskrats for fur between the first day of December of each year and the following January thirty-first, both dates inclusive;
2. Badgers between the first day of November each year and the following twenty-eighth day of February, both dates inclusive;
3. Minks and weasels between the fifteenth day of November of each year and the following fifteenth day of February, both dates inclusive;
4. Raccoons between the first day of October of each year and the following fifteenth day of February, both dates inclusive; and
5. Skunks between the first day of October of each year and the following twenty-eighth day of February, both dates inclusive.

SECTION 4. AMENDMENT.) Section 20-0801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0801. GOVERNOR MAY VARY STATUTORY OPEN AND CLOSED SEASON BY ORDER OR PROCLAMATION.) Whenever the governor, after investigation and recommendation by the commissioner, finds:

1. That any species of game birds, fish, or game animals for which an open season is provided, are in danger of depletion or extinction, or when necessary for proper protection during the propagating period, he, by order, may provide protection for such species additional to that provided by law;
2. That any species of game birds, fish, or game animals have become sufficient in numbers to warrant an open season, or to be detrimental, or a nuisance to the farmers of the state, he, by order, may declare an open season thereon, or may extend the open season provided by law; or;

3. That any species of fur-bearing animals have become sufficient in numbers to warrant an open season or have become a menace to other species of wildlife in the state, he, by order, may declare an open season thereon or may extend the open season provided by law.

SECTION 5. AMENDMENT.) Section 20-0802 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0802. LIMITATIONS ON GOVERNOR'S POWERS.) The governor may not establish:

1. A bag limit on upland game birds which exceeds fifteen birds in the aggregate;
2. A bag limit on migratory waterfowl which is less than the federal bag limit thereon;
3. A possession limit which exceeds a two days' bag limit; or
4. An open season on any game bird that begins before the fifteenth day of September or that ends not later than the first day of March of the following year.

SECTION 6. AMENDMENT.) Section 20-0803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0803. CONTENTS OF GOVERNOR'S ORDER OR PROCLAMATION RELATING TO THE TAKING OF GAME BIRDS, FISH, AND GAME ANIMALS.) An order or proclamation issued by the governor pursuant to the provisions of this chapter shall prescribe, as to each species of game birds, fish, or game animals named therein, the following:

1. In what manner the same may be taken;
2. In what numbers the same may be taken and possessed and may limit such numbers by sex;
3. In what places the same may be taken; and
4. At what times the same may be taken and possessed.

The governor, in his order or proclamation, may provide for the number of big game permits or licenses to be issued for the taking of each species and the manner in which such permits or licenses shall be issued for big game only.

Approved March 8, 1949.

GOVERNMENTAL FINANCE

CHAPTER 185

House Bill No. 144
(Committee on Education)

**COUNTY BOND ISSUES FOR COUNTY AGRICULTURAL AND
TRAINING SCHOOL BUILDINGS****AN ACT**

To amend and reenact subdivision a of subsection 1 of section 21-0306 of the North Dakota Revised Code of 1943, relating to purposes and specific limitations of bond issues, authorizing counties maintaining county agricultural and training schools to issue bonds to provide buildings for such schools.

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

SECTION 1. AMENDMENT.) Subdivision a of subsection 1 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 SPECIFIC LIMITATIONS OF BOND ISSUES.) Municipalities are empowered to borrow money, subject to the general limitations of amounts prescribed by section 21-0304 and 21-0305, and subject, in certain cases, to the further limitations prescribed by this section, and to issue bonds thereof for the purposes enumerated in this section. Such bonds may be issued:

1. By any county:
 - a. To provide county buildings, but all outstanding unpaid bonds, for this purpose shall not exceed in amount at any one time one and one-half percent of the value of the taxable property in such county, except that any county maintaining a county agricultural and training school may issue bonds in excess of such limit to provide buildings for such school but all outstanding unpaid bonds for such purpose shall not exceed in amount at any one time one percent of the value of the taxable property in such county.

Approved February 28, 1949.

CHAPTER 186

House Bill No. 13
(Legislative Research Committee)
at the request of
(The League of North Dakota Municipalities)

PURPOSES AND LIMITATIONS CITY AND VILLAGE BONDS

AN ACT

To amend and reenact subsection 2 of section 21-0306 of the 1947 Supplement to the North Dakota Revised Code of 1943 and subsection 3 of section 21-0306 of the North Dakota Revised Code of 1943, relating to purposes and specific limitations of bond issues in cities and villages.

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

SECTION 1. AMENDMENT.) Subsection 2 of section 21-0306 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted as follows:

21-0306. PURPOSES AND SPECIFIC LIMITATIONS OF BOND ISSUES.)

2. By any city:
 - a. For the erection, purchase, construction, enlargement, or repair of municipal or public buildings for the following purposes: city hall, fire protection buildings, waterworks buildings, police stations, city markets, public baths, hospitals, libraries, museums, auditoriums, armories, gymnasiums, and music halls; and to purchase and acquire sites for such buildings, and for the equipment and furnishing thereof;
 - b. For the purchase of fire engines and other equipment and materials for fire protection and for the purchase, construction, and installation of pumps, watermains, reservoirs, and other necessary facilities for fire protection;
 - c. For the construction and extension of water plants or the purchase of existing plants; the construction and improvement of watermains, sewers, and drains; or for the joint construction and establishment of a water and sewer system; or for the erection, planning, construction, and establishment of a sewage disposal plant or system; or for the erection, construction, and enlargement of garbage disposal plants and to purchase sites and grounds, either within or without the limits of the city, for the disposal of sewage, garbage, and other refuse; or for the leasing or

- purchase of lands, either within or without the limits of the city, for the purpose of providing airports or landing fields or for the construction of buildings thereon or the procuring of equipment therefor; and other like municipal purposes;
- d. To construct, acquire, enlarge, extend, or maintain any plant or equipment, or any part of a plant or equipment, for the production, transmission, delivery or furnishing of heat, light, or power, either directly or indirectly, to or for the public, or to enlarge and extend such plants or equipment or any part thereof. This sub-section shall not be construed as an amendment to sections 40-3301 to 40-3309, inclusive, nor to 40-3315;
 - e. To purchase or acquire any public utility or street railway. This section shall not be construed as impairing, altering, or affecting the powers of the public service commission in any such proceedings;
 - f. To provide for acquiring, laying out, and improving parks, parkways, park buildings, public drives, boulevards, highways, streets, state highways and cemeteries, and to acquire land for these purposes;
 - g. To provide money for the payment of any deficiency in the fund of any special improvement district whenever the special assessment or taxes levied and collected for the specific improvements are then insufficient to pay the principal or interest of any special improvement warrants issued for such improvement and then due and unpaid, but only to the extent of such deficiency;
 - h. For the purchase of automobiles, trucks, tractors, flushers, sprinklers, street sweepers, graders, rollers, loaders, plows, conveyors and other machinery, equipment and materials for the cleaning, flushing and sweeping of any street, highway, avenue, alley or public place within the city, the removal of snow and ice therefrom, and other like municipal purposes;
 - i. For the purchase of trucks, garbage collectors, and other vehicles, equipment and materials for the collection, removal and disposal of garbage, rubbish, ashes, refuse and other wastes within the city;
 - j. To provide for the acquiring and constructing of parking lots and facilities for motor vehicle parking;
 - k. To provide funds for the erection, purchase, construction, enlargement or repair of bridges, and to purchase and acquire necessary real estate, sites or easements for such bridges; and
 - l. To provide funds for all works in connection with

flood control and the necessary land or easements for such flood control works.

SECTION 2. AMENDMENT.) Subsection 3 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 SPECIFIC LIMITATIONS OF BOND ISSUES.)

3. By any village:
 - a. For any of the purposes specified for cities by subdivisions b, c, d, f, and g of subsection 2 of this section under the circumstances and subject to the limitations therein expressed;
 - b. For the erection, purchase, construction, and enlargement or repair of municipal or public buildings for the following purposes: village halls, fire protection buildings, waterworks buildings, and police stations, and to purchase or acquire sites for such buildings, and for the equipment thereof;
 - c. To provide for the acquiring and constructing of parking lots and facilities for motor vehicle parking;
 - d. To provide funds for the erection, purchase, construction, enlargement or repair of bridges, and to purchase and acquire necessary real estate, sites, or easements for such bridges; and
 - e. To provide funds for all works in connection with flood control and the necessary land or easements for such flood control works.

Approved February 21, 1949.

CHAPTER 187

House Bill No. 194

(Haugen of McLean, Thompson of McLean, Sailer, Bentz, Hafner)

DISTRIBUTION OF FEDERAL FUNDS IN COUNTIES AFFECTED
BY FEDERAL ACQUISITION OF LANDS FOR PUBLIC USE

AN ACT

Providing for the appropriation and distribution of funds received from the federal government in counties where the federal government has acquired land for the development of projects for public uses and declaring an emergency.

The government of the United States under the provisions of Public Law 526 of the 79th Congress has provided that seventy-five per centum of all monies received and deposited in the treasury of the United States during any fiscal year on account of the leasing of lands acquired by the United States for flood control purposes shall be paid at the end of such year by the secretary of the treasury to the state in which such property is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such property is situated, and

The secretary of the treasury of the United States has paid to the treasurer of the state of North Dakota certain sums of money as provided in said Public Law 526 referred to herein, therefore

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

SECTION 1.) The funds so received, as in said Public Law 526 set forth, by any county in this state, the treasurer of the state of North Dakota shall pay over to the county or counties entitled thereto any sums so received by him as in said public law set forth. The first one-half of such funds shall be paid to the county or counties affected and by them to be distributed to the school districts which suffered a reduction in assessed valuation because of the acquisition of lands by the United States so that the districts will be reimbursed on a per pupil basis for the net loss of revenue resulting from such reduction in valuation, the determination of net loss per pupil to be the income received from all sources by the school districts divided by the number of pupils in the grades and high school thereof in 1947 subtracted from the per pupil cost arrived at in like manner for the current year; and the remainder of the first one-half of such funds to be distributed to the schools of the county on a per pupil basis and second half of such funds shall be paid to such county or counties for road purposes to be expended as the county commissioners may determine.

SECTION 2. EMERGENCY.) This act is hereby declared to be

an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1949.

HEALTH AND SAFETY

CHAPTER 188

House Bill No. 279

(Langseth, Lillehaugen, Anderson, Joseph Stevens)

BURIAL DECEASED PERSONS, DUTY OF COUNTIES

AN ACT

To amend and reenact subsection 5 of section 23-0603 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to the duty of counties to bury deceased persons.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 23-0603 of the 1947 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

23-0603. DUTY OF BURIAL.) The duty of burying the body of a deceased person devolves upon the following persons:

5. If the deceased left no husband, wife, or kindred answering the foregoing description and did not leave means sufficiently to defray his funeral expenses, including the cost of a casket, upon the county welfare board of the county in which the deceased had residence for poor relief purposes and if such residence cannot be established, then in the county in which the death occurs, and such board shall employ some person to arrange for and supervise the burial. The necessary and reasonable expense thereof, not exceeding one hundred dollars, shall be borne by the county. The county also shall pay reasonable costs of transporting the body to the place of burial when burial is made in a cemetery out of the county in which death occurred, but not exceeding one hundred dollars.

Approved March 10, 1949.

CHAPTER 189

House Bill No. 8
(Legislative Research Committee)
(at the request of the State Department of Health)

TIME WITHIN WHICH BURIAL MUST BE MADE; EXCEPTIONS
AN ACT

To amend and reenact section 23-0604 of the North Dakota Revised Code of 1943, relating to the time within which burial must be made.

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

SECTION 1. AMENDMENT.) Section 23-0604 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-0604. TIME WITHIN WHICH BURIAL MUST BE MADE; EXCEPTIONS.) The dead body of a human being must be buried by the person charged with the duty of such burial within eight days after the death of such person except when:

1. The right to dissect the body is expressly conferred by law;
2. The body is being carried through this state;
3. The body is being removed from this state for the purposes of burial in some other state; or
4. A permit is obtained from the local health officer or the state health department allowing a longer time during which the body may remain unburied.

A permit obtained under the provisions of subsection 4 shall show the length of time allowed during which the body may remain unburied.

Approved February 8, 1949.

CHAPTER 190

Senate Bill No. 28

(Legislative Research Committee)

(by request of State Department of Health)

SYPHILLIS PREVENTION

AN ACT

Relating to prevention of congenital syphilis; providing for the taking of a sample of blood of pregnant women for submission to an approved laboratory for a standard serological test for syphilis; defining approved laboratory and standard serological test; defining duties of all physicians and non-licensed practitioners in attendance of such women; requiring report and certificate of every birth and stillbirth by physician or others, providing penalties for violation and making an appropriation for the state department of health to enable it to comply with the provisions hereof.

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

SECTION 1. BLOOD SAMPLE OF PREGNANT WOMEN MUST BE SUBMITTED FOR SEROLOGICAL TEST FOR SYPHILLIS.) Every physician or other person authorized by law to practice obstetrics who attends a pregnant woman in North Dakota for conditions relating to pregnancy during the period of gestation or at delivery, shall with the consent of the patient take or cause to be taken a sample of blood of such woman at the time of the first professional visit or within ten days thereafter, and shall submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend pregnant women in the state, but not permitted by law to take blood samples, shall with the consent of the patient cause a sample of blood of such pregnant women to be taken by a physician duly licensed to practice medicine and surgery, obstetrics, or other person authorized by law to take such sample of blood and may have such sample submitted to an approved laboratory for a standard serological test for syphilis. Such laboratory tests as are required by this Act shall be made on request without charge of by the state department of health.

SECTION 2. DEFINITIONS.) A standard serological test shall be a laboratory test for syphilis approved by the state health officer. The term "approved laboratory" shall mean the North Dakota state public health laboratories or any other laboratory approved by the state health officer.

SECTION 3. CERTIFICATES REPORTING BIRTHS AND STILLBIRTHS TO STATE WHETHER BLOOD TEST MADE.) In reporting every birth and stillbirth, physicians, and others required to make such reports, shall state on the certificate whether a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and the approximate date when the specimen was taken, provided that no birth or stillbirth certificate shall show the result of such test. If no test was made the reason shall be stated.

SECTION 4. PENALTY.) Any physician or other person engaged in attendance upon a pregnant woman during the period of gestation or at delivery or any representative of a laboratory who violates the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five dollars, provided that any physician or other person, engaged in attendance upon a pregnant woman, who requests a sample of blood in accordance with the provisions of section 1 of this act, whose request is refused, shall not be guilty of violation for the provisions of said Act.

SECTION 5. APPROPRIATION.) The sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the state department of health, to cover expenses in carrying out the provisions of this Act for the biennium ending June 30, 1951.

Approved March 12, 1949.

CHAPTER 191

House Bill No. 247

(Committee on Veterans and Military Affairs)

HOUSING AUTHORITIES PROJECTS, COOPERATION WITH
FEDERAL GOVERNMENT

AN ACT

To amend and reenact sections 23-1131, 23-1132, 23-1133, 23-1134 and 23-1135 of the North Dakota Revised Code of 1943, to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and veterans of World War I and World War II; to authorize housing authorities to cooperate with or act as agent of the federal government in the development and administration of such projects of the federal government, to acquire or lease such projects and to sell certain projects to the federal government; to authorize public bodies to assist such projects of housing authorities and of the federal government; defining "veteran," and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 23-1131 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1131. HOURS FOR WORKERS IN NATIONAL DEFENSE AND VETERANS OF WORLD WAR I AND VETERANS OF WORLD WAR II.) Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities who, it is determined by the housing authority, would not otherwise be able to secure safe and sanitary dwelling within the vicinity thereof. In the ownership, development, or administration of such projects a housing authority shall have all the rights, powers, privileges, and immunities that such authority has under any provisions of law relating to the ownership, development, or administration of slum clearance and housing projects for persons of low income, and shall exercise such rights, powers, and privileges as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this section, and housing projects developed or administered hereunder shall constitute housing projects under the provisions of this chapter. During the

existence of this Act, in which a housing authority finds, and such finding shall be conclusive in any suit, action, or proceeding, that within its area of operation, or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national-defense program or the general welfare of veterans of World War I and veterans of World War II in this state and that necessary and safe and sanitary dwellings would not otherwise be provided when needed for such person, any project developed or administered by such housing authority, or by any housing authority cooperating with it, in such area pursuant to this section, with the financial aid of the federal government, or as agent for the federal government as hereinafter provided, shall not be subject to the limitations provided in sections 23-1113 and 23-1114. During the existence of this Act a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges, or improvements furnished for or in connection with any such projects. After the national-defense period any such projects owned and administered by a housing authority shall be administered in accordance with the preceding sections of this chapter save that as to veterans of World War I and veterans of World War II this section shall not be subject to the limitations in section 23-1114.

SECTION 2. AMENDMENT.) Section 23-1132 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1132. COOPERATION WITH FEDERAL GOVERNMENT.) A housing authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the federal government in the development or administration of projects by the federal government to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities or veterans of World War I and veterans of World War II and may undertake the development or administration of any such projects for the federal government. In order to assure the availability of safe and sanitary housing for persons engaged in national-defense activities, or for veterans of World War I and veterans of World War II, a housing authority may sell, in whole or in part, to the federal government any housing project developed for such persons but not yet occupied by such persons; such sale shall be at such price and upon such terms as the housing authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the authority relating to such project.

SECTION 3. AMENDMENT.) Section 23-1133 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1133. MUNICIPALITIES MAY COOPERATE.) Any city, county, or other public body shall have the right and power to cooperate with housing authorities, or with the federal government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and veterans of World War I and veterans of World War II which such city, county, or other public body has for the purpose of assisting the development or administration of slum clearance or housing projects for such persons.

SECTION 4. AMENDMENT.) Section 23-1134 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1134. POWERS OF HOUSING AUTHORITY.) This chapter shall constitute an independent authorization for a housing authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and veterans of World War I and veterans of World War II as provided in this chapter and for a housing authority to cooperate with, or act as agent for, the federal government in the development or administration of similar projects by the federal government. In acting under this authorization, a housing authority shall not be subject to any limitations, restrictions, or requirements of other laws, except those relating to land acquisition, prescribing the procedure or action to be taken in the development or administration of any public works, including slum clearance and housing projects for such persons or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the state. A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the federal government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and veterans of World War I and veterans of World War II and to effectuate the purposes of this chapter.

SECTION 5. AMENDMENT.) Section 23-1135 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1135. DEFINITIONS.) As used in sections 23-1131 to 23-1136, inclusive:

1. "Persons engaged in national-defense activities" shall include enlisted men in the military and naval services of the United States, employees of the war and navy

- departments assigned to duty at military or naval reservations, posts, or bases, and workers engaged or to be engaged in industries connected with and essential to the national-defense program, and shall include the families of the aforesaid persons who are living with them;
2. "Persons of low income" shall mean persons or families who lack the amount of income which is necessary, as determined by the housing authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without over-crowding;
 3. "Development" shall mean any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction, or equipment in connection with a project, including the negotiation or award of contracts therefor, and shall include the acquisition of any project, in whole or in part, from the federal government;
 4. "Administration" shall mean any and all undertakings necessary for management, operation, or maintenance in connection with any project, and shall include the leasing of any project, in whole or in part, from the federal government;
 5. "Federal government" shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America;
 6. The development of a project shall be deemed to be initiated if a housing authority has issued any bonds, notes, or other obligations with respect to financing the development of such project of the authority, or has contracted with the federal government with respect to the exercise of powers hereunder in the development of such project of the federal government for which an allocation of funds has been made during the existence of this act.
 7. "Housing authority" shall mean any housing authority established or hereafter established pursuant to the provisions of this chapter; and
 8. "Veteran" means a man or woman who served honorably and faithfully for more than sixty days in active service in the military, naval, marine, woman's army auxiliary corps, or coast guard forces of the United States, or any of the governments allied with the United States in World War I and World War II.

SECTION 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 11, 1949.

CHAPTER 192

House Bill No. 162

(Fugelstad, Kjelgaard, Bymers, Haugland, Moe, Moerke, Seibel, Holand,
Nygaard, Klefstad, Sellens and Maher)

CREATING COUNTY HOSPITAL ASSOCIATIONS

AN ACT

Authorizing the county commissioners in any county in this state, upon application by a duly organized county hospital association, to make a levy for not more than five years and not to exceed eight mills in any one year upon the assessed valuation of the property in the county for the construction, and equipment of a county or community hospital, providing for an election to be held; also providing for special fund derived from such tax levy and disbursements thereof, providing for donations to said hospital or community association, and providing for the disposition of said county or community hospital and limiting the number of hospitals or community associations in each county provided for in this Act.

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

SECTION 1.) A county or community hospital association may be established in any county in this state. The executive officers and directors shall be residents of the county. The association may apply to the board of county commissioners of the county for a grant to aid in the erection of a nonsectarian county hospital. The application for the grant shall be in writing and shall state the incorporation of the association, the names and places of residence of all of its executive officers, and the assets of the association, and shall specify the mill rate of levy applied for, which shall not be in excess of eight mills upon the assessed valuation of the taxable property in the county. If the board of county commissioners shall be satisfied that the statements in the applications are true and that the association intends in good faith to establish a non-sectarian county or community hospital, it shall submit to the electors of the county the question of levying a tax in aid of such non-sectarian county or community hospital, for not more than five years at the mill rate as specified in the application, but not in excess of eight mills in any one year. The county auditor shall give notice of such election within the time and in the manner prescribed by law for the holding of county elections.

SECTION 2.) The ballot to be used in such election as provided for in this act shall be in the following form:

Shall the county commissioners be authorized to levy a tax in aid of a non-sectarian county or community hospital of mills upon the assessed valuation of all taxable property in county, for a period of years?

Yes

No

SECTION 3.) If two-thirds of the ballots cast at such election are in favor of the authorization of the levy, the board of county commissioners shall make an annual levy for a period of not more than five years at the mill rate approved at such election upon the assessed valuation of the taxable property in the county, which tax shall be spread and collected in the same manner as other taxes are collected. Such levy shall not be subject to the county levy limitations.

SECTION 4.) The proceeds of the tax provided for by this act shall be placed in a separate fund by the county treasurer and shall be used exclusively for the construction and equipment of a non-sectarian county or community hospital and shall be kept separate and apart from the other moneys of the county.

SECTION 5.) Proper vouchers may be presented by the hospital association to the board of county commissioners and with the approval of the board the county auditor shall draw warrants on the separate fund in payment of such vouchers.

SECTION 6.) All persons desirous of making donations of money, personal property, or real estate for the benefit of the hospital may vest the same in the board of directors of the hospital association. The board of directors shall hold and control all property accepted for the use of the hospital as a special trustee.

SECTION 7.) The board of directors of any county or community hospital shall not lease, sell or otherwise dispose of a county or community hospital without the unanimous consent of the county commissioners unless all tax money received by the hospital association has been repaid to the county without interest.

SECTION 8.) The aid provided for in this act shall not be granted to more than one county or community hospital association in any one county or to any association organized for profit.

Approved March 11, 1949.

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 193

Senate Bill No. 136
(Rue by request)

REPEAL OF PENALTY FOR REFUSAL OF ROAD OVERSEER
TO SERVE

AN ACT

To repeal section 24-0632 of the North Dakota Revised Code of 1943,
relating to refusal of road overseer to serve.

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

SECTION 1. REPEAL.) Section 24-0632 of the North Dakota
Revised Code of 1943 is hereby repealed.

Approved March 8, 1949.

CHAPTER 194

Senate Bill No. 163
(Rue)

ROAD CONSTRUCTION WARNING SIGNS

AN ACT

To amend and reenact Section 24-1202 of the North Dakota Revised
Code of 1943, relating to warning signs of road construction or
improvement in contracts by State Highway Department, county
or township for construction or improvement of any road, cul-
vert or bridge.

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

24-1202. WARNING SIGNS OF ROAD CONSTRUCTION.) When-
ever the state highway department or any county or township
shall enter into a contract for the construction and improvement
of any road or culvert, or bridge thereon, it, as a condition of such
contract, shall provide therein that the contractor shall place
suitable warning signs which can be read for a distance of one
hundred feet in daytime, and also shall erect and place at night

a red or white lantern or a torch or other equally effective device, of a type approved by the state highway department, at both ends of such construction work, no less than three hundred feet therefrom, warning the public that such road is under construction or improvement and either is closed, or impassable, or dangerous for travel thereon, but nothing contained in this section shall make any township, county, or the state liable for the failure of any contractor to erect such warning signs.

Approved March 8, 1949.

CHAPTER 195

House Bill No. 1
(Legislative Research Committee)

HIGHWAY RECONSTRUCTION WORK WITHOUT LETTING CONTRACT

AN ACT

To amend and reenact section 24-02192 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to reconstruction work on secondary state highways and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 24-02192 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-02192. RECONSTRUCTION WORK WITHOUT LETTING CONTRACT.) Until December 31, 1950, the state highway department may, in any case where, in the opinion of the commissioner, the public interest and the preservation of state highways from deterioration requires it, do the work necessary for minor grading reconstruction on any established secondary state highway without letting a contract for such reconstruction work; or the commissioner may, in his discretion, contract with the county in which any such reconstruction project is located, to perform such reconstruction work on a cost basis. Any such reconstruction projects may include any project that is eligible for federal aid; provided, that any such reconstruction project that has been commenced prior to January 1, 1951, may be completed within the year of 1951. Any funds available for highway construction purposes may be expended in carrying out the provisions of this section.

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

Approved February 25, 1949.

**INSANE, FEEBLE-MINDED, TUBERCULAR,
BLIND, AND DEAF**

CHAPTER 196

Senate Bill No. 210
(Stucke, Mehlhaff, Solberg and Day)

SPECIALISTS FOR STATE HOSPITAL PATIENTS

AN ACT

Requiring the hiring of specialists in the field of mental ills for the treatment of patients at the State Hospital for the Insane at Jamestown and for the treatment of persons not committed.

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

SECTION 1. SPECIALISTS.) The Board of Administration is authorized and directed to provide at Jamestown competent specialists in the field of mental ills and diseases, at least one of which shall be qualified to teach in such field. Such specialists shall be available for the treatment of persons in the State Hospital for the Insane and for the treatment of other persons not committed to any institution, according to rules and regulations to be provided by the Board of Administration.

Approved March 8, 1949.

CHAPTER 197

Senate Bill No. 9
(Legislative Research Committee
at the request of the State Board of Administration)

COUNTY EXPENSE FOR CARE OF STATE HOSPITAL PATIENTS

AN ACT

To amend and reenact section 25-0214 of the North Dakota Revised Code of 1943, relating to the expense for care of patients at the state hospital and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 25-0214 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0214. EXPENSE FOR CARE OF PATIENT IS CHARGE UPON COUNTY; COUNTY TO REMIT TO STATE TREASURER; COST OF CARE OF NONRESIDENTS.) The board, from time to time, shall fix the amount to be paid for the care, board, and treatment of patients at the state hospital. Such amount shall not exceed the sum of forty-five dollars per month for residents of this state, but non-residents shall pay the actual cost of their care, board and treatment. Each county shall pay to the state treasurer the amount specified by the board, limited as provided in this section, for the care and treatment of each patient sent from the county to the state hospital, and such amount shall be a charge against the county until it is paid. A statement verified by the superintendent shall be evidence of the amount due.

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

Approved February 25, 1949.

CHAPTER 198

House Bill No. 127

(Leet)

RECOVERY COUNTY CARE INSTITUTIONAL PATIENTS

AN ACT

To amend and reenact section 25-0825 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to recovery of expenses for institutional care from patients, estates of patients, and from veterans, authorizing county auditors to collect such expenses for the county and the state, providing that the statute of limitations shall not bar the collection of such expenses.

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

SECTION 1. AMENDMENT.) Section 25-0825 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0825. EXPENSES OF INSTITUTIONAL CARE CHARGEABLE AGAINST ESTATE OF DECEASED PATIENT AND AGAINST PATIENT.) A claim for the expenses incurred by any county or by the state, including the amount advanced by the state from the institutional support funds, for the treatment and maintenance of any patient at the state hospital, the state school, or the state sanatorium may be filed against the estate of such patient after his death in the same manner and with the same effect as claims of general creditors are filed against estates of decedents. Such expenses may be recovered from a person who has been a patient in any such institution after such person has been discharged from such institution as cured. If any such patient is a veteran who has received, who is receiving, or who is entitled to receive compensation, or pension from the veterans administration, such expenses shall be a current claim against such patient and may be recovered monthly by the superintendent of the North Dakota state hospital.

SECTION 2. COUNTY AUDITOR AUTHORIZED TO COLLECT EXPENSES.) The county auditor is hereby authorized to collect the expense for the treatment and maintenance of the county's patients at the state hospital, state school, or the state sanatorium, incurred by the county or the state, including the amount advanced by the state from the institutional support funds. Such expense may be collected from such patients after they have been discharged from such institutions as cured, or from their estates after they are dead,

SECTION 3. COUNTY AUDITOR TO FILE CLAIM.) When the estate of a deceased person who has been a patient at the state hospital, state school, or the state sanatorium is entered in probate in the county court, and the expense incurred by the county or state, including the amount advanced by the state from the institutional support funds for his treatment and maintenance at such institution, or any part thereof, remains unpaid, the county auditor shall file a claim against the estate for the full amount due to the county and the state for such expense.

SECTION 4. STATUTE OF LIMITATIONS NOT TO BAR RECOVERY.) The statute of limitations shall not bar the right of recovery for the expense of such treatment and maintenance at such institutions either from the patient, or his estate after his death, but this act shall not apply to claims that are already barred at the time that this act takes effect.

SECTION 5. DISPOSITION OF FUNDS COLLECTED.) The amount collected from such persons or their estates by the county auditor shall be applied first in payment of the sum due to the county and the balance, if any, shall be paid to the state treasurer who shall credit the same to the charitable institutions revolving fund.

SECTION 6. COUNTY AUDITOR TO FURNISH LIST OF NAMES.) Within thirty days after this act takes effect the county auditor of each county shall furnish to the county judge of his county, a complete list of the names of all persons of his county whose expense for treatment and maintenance at such institutions remains unpaid in whole or in part.

SECTION 7. COUNTY JUDGE TO KEEP RECORD.) After receiving such list, the county judge shall strike therefrom the names of all such persons, as come to his knowledge, whose estates have been probated and closed, or who at their deaths left no estates for probate, or against whose estates the claims of creditors are barred by the statute of limitations at the time when this act takes effect, or when such persons are no longer residents of the county. After striking such names from the list, the county judge shall enter the remaining names in a record book in alphabetical order and keep the same in his office for reference. Thereafter when a person who is a resident of his county is committed to the state hospital, the state school, or a certificate of indigence is issued to a patient at the state sanatorium, the county judge shall enter the name of such person in his record book.

SECTION 8. COUNTY JUDGE TO NOTIFY COUNTY AUDITOR.) When the estate of any such deceased person is entered in probate in the county court, the county judge shall notify the auditor of the county of that fact, and the auditor shall file a claim against the estate as herein provided.

Approved March 19, 1949.

INSURANCE

CHAPTER 199

House Bill No. 206
(Fitch)

**LIFE INSURANCE POLICY REQUIREMENTS ON OTHER
THAN STANDARD FORM****AN ACT**

To amend and reenact subsection 6 of Section 26-0335 of the North Dakota Revised Code of 1943, relating to provisions required in life insurance policy issued on other than standard form.

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

SECTION 1. AMENDMENT.) Subsection 6 of section 26-0335 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0335. PROVISIONS REQUIRED IN LIFE INSURANCE POLICY ISSUED ON OTHER THAN STANDARD FORM.) No policy of life insurance in form other than a standard form prescribed in this chapter shall be issued or delivered in this state, unless the same shall contain the following:

6. A provision that the policy shall participate in the surplus of the company and that, beginning not later than the end of the third policy year, the company annually will determine and account for the portion of the divisible surplus accruing on the policy, and that the owner of the policy shall have the right each year to have the current dividend arising from such participation paid in cash; and if the policy shall provide other dividend options, it shall provide further which one of the four standard options shall be effective if the owner of the policy shall not elect any of such other options. This provision, however, shall not be required in nonparticipating policies.

Approved February 28, 1949.

CHAPTER 200

Senate Bill No. 32
(Legislative Research Committee)
(at the request of the Commissioner of Insurance)

RESTRICTIONS DOMESTIC INSURERS TO DO BUSINESS
IN OTHER STATES

AN ACT

To prohibit domestic insurers from doing certain insurance business in states outside of North Dakota, unless authorized in such other states.

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

SECTION 1.) As used in this section, the term "reciprocal state" means a state the laws of which prohibit an insurer domiciled therein from insuring the lives or persons of residents of, or property or operations located in, the state of North Dakota unless it then holds a valid and subsisting certificate of authority issued by the insurance commissioner of this state. Such prohibition may be subject to the exceptions herein set forth.

Subject to the exceptions herein set forth, a domestic insurer shall not enter into a contract of insurance upon the life or person of a resident of, or property or operations located in, a reciprocal state unless it is authorized pursuant to the laws of that state to transact such insurance therein. The commissioner of insurance shall, annually, mail notice to every domestic insurer, specifying the reciprocal states.

The exceptions to the provisions of this section are the following:

1. Contracts entered into where the prospective insured is personally present in the state in which the insurer is authorized to transact insurance when he signs the application;
2. The issuance of certificates under a lawfully transacted group life or group disability policy, where the master policy was entered into a state in which the insurer was then authorized to transact insurance; and
3. The removal or continuance in force, with or without modification, of contracts otherwise lawful and which were not originally executed in violation of this section.

Approved March 17, 1949.

CHAPTER 201

House Bill No. 165
(Brady and Saumur)

MEETINGS, BY-LAWS, ETC.; DOMESTIC MUTUAL
INSURANCE COMPANIES

AN ACT

To prescribe the time and manner of giving notice of annual and special meetings to members of mutual insurance companies organized under the provisions of chapter 26-08 of the North Dakota Revised Code of 1943; prescribing what the by-laws of such companies may provide as to what shall constitute a quorum; providing for representation at such meetings by proxy; prescribing what vote shall be necessary to approve or reject proposals at such meetings and for the amendment of articles and by-laws; providing for a repeal of all acts or parts of acts in conflict with this act, and declaring an emergency.

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

SECTION 1.) The by-laws of any mutual insurance company organized under the provisions of chapter 26-08 of the North Dakota Revised Code of 1943, shall prescribe the manner of notification to members of all corporation meetings of members and shall prescribe what shall constitute a quorum of members with the following limitations: A quorum shall be those members present in person or represented by written proxies. A majority of those voting shall be sufficient to approve or reject any proposal submitted at any such annual or special meeting. Every member of the company shall be entitled to one vote only. He shall be notified of the time and place of the holding of the meetings of the company by a written notice or by an imprint on the back of each policy, receipt, or certificate of renewal, and in addition thereto a notice of any annual or special meeting shall be published in the official paper of the county in which the principal office of the company is located, such notice to be published at least twice, the first publication to be made at least sixty days before such meeting. If a special meeting of members is called, a notice of the time and place and object thereof shall be mailed to all members at least sixty days before the date of such meeting.

SECTION 2. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 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, 1949.

CHAPTER 202

House Bill No. 170
(Committee on Industry and Business)

REAL ESTATE INVESTMENTS, DOMESTIC
INSURANCE COMPANIES

AN ACT

Creating subsection 13 of section 26-0811 of the 1947 Supplement to the North Dakota Revised Code of 1943; amending section 26-0812 of the 1947 Supplement to the North Dakota Revised Code of 1943, and section 26-0813 of the North Dakota Revised Code of 1943; relating to investments in and holding of real estate other than farm property by domestic insurance companies.

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

SECTION 1.) Subsection 13 of section 26-0811 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby created to read as follows:

26-0811. INVESTMENT OF FUNDS OF INSURANCE COMPANIES; IN WHAT AUTHORIZED.) A domestic insurance company may invest any of its funds and accumulations in:

13. Real estate for the production of income or for improvement or development for the production of income subject to the following provisions and limitations:
 - a. Real estate used primarily for farming or agriculture may not be acquired under the provisions of this subsection;
 - b. Investments made by any company under the provisions of this subsection shall not at any time exceed ten percent of the admitted assets of the company;
 - c. An investment in any single parcel of real estate acquired under the provisions of this subsection shall not exceed one percent of the admitted assets of the company;
 - d. Such real estate, including the cost of improvements shall be valued at cost and improvements shall be depreciated annually at an average rate of not less than two percent of the original cost;
 - e. Such real estate shall be owned in its entirety by the company acquiring it.

SECTION 2. AMENDMENT.) Section 26-0812 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0812. LIMITATION ON PURCHASE AND CONVEYANCE ON REAL PROPERTY.) A domestic insurance company may acquire, hold, and convey only such real property as shall:

1. Be requisite for its convenient accomodation in the transaction of its business;
2. Have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due to it;
3. Have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings;
4. Have been purchased at sales on judgments, decrees, or mortgages obtained or made for debts previously contracted in the course of its dealings; and
5. Have been acquired as an investment for the production of income or has been acquired to be improved or developed for an investment for the production of income as provided by law.

Any company may improve real estate so acquired or remodel existing improvements and exchange such real estate for other real estate or securities, and real estate acquired by such exchange may be improved or the improvements remodeled.

SECTION 3. AMENDMENT.) Section 26-0813 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-0813. REAL PROPERTY ACQUIRED BY DOMESTIC INSURANCE COMPANY; SALE OF; WHEN REQUIRED.) All property acquired by a domestic insurance company in any manner specified in subsections 2, 3, and 4 of section 266-0812 which is not necessary for the accommodation of the company or for the convenient transaction of its business shall be sold and disposed of within two years after the company shall have acquired title to the same, and as to any property so acquired which was necessary for the accommodation of the company or for the convenient transaction of its business, within two years after the same shall have ceased to be necessary for the accommodation of its business. No company shall hold any of such property for a period longer than is specified in this section unless it shall procure a certificate from the commissioner of insurance stating that the company's interests will suffer materially by the forced sale of the property. If such certificate is obtained, the time for the sale may be extended to such time as the commissioner shall direct therein. A company may select real estate acquired under the provisions of subsections 1, 2, 3, and 4 of section 26-0812 other than real estate used primarily for farming and agriculture, and hold the same as an investment for income, not exceeding the total amount

permitted by law for such purpose, and such property so selected shall not be subject to the limitations of this section.

Approved March 9, 1949.

CHAPTER 203

House Bill No. 169
(Committee on Industry and Business)

PENSION OFFICERS AND DIRECTORS
DOMESTIC LIFE INSURANCE COMPANIES

AN ACT

To amend and reenact subdivision 4 of section 26-1110 of the North Dakota Revised Code of 1943, relating to pensions for officers and directors of domestic life insurance companies.

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

SECTION 1. AMENDMENT.) Subdivision 4 of section 26-1110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

26-1110. SALARIES AND EXPENSES OF OFFICERS AND AGENTS OF DOMESTIC LIFE INSURANCE COMPANY: REGULATION AND RESTRICTIONS.) No domestic life insurance company shall:

4. Grant any pension to any officer, director, or trustee thereof, or to any member of his family after his death, except that it may provide a pension in pursuance of the terms of a retirement plan adopted by the board of directors and approved by the commissioner of insurance for any person who is or has been a salaried officer or employee of such corporation and who may retire by reason of age or disability.

Approved March 9, 1949.

CHAPTER 204

House Bill No. 90
(Erickson, Lindberg and Bymers)

INSURABLE CROPS; WHEN COVERAGE EFFECTIVE

AN ACT

To amend and reenact Section 26-2211, of the North Dakota Revised Code of 1943, providing for crops insurable; and dates when coverage on insured crops commences and terminates.

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

SECTION 1. AMENDMENT.) That section 26-2211 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

26-2211. CROPS INSURABLE: DATES WHEN COVERAGE ON INSURED CROPS COMMENCES AND TERMINATES.) Crops of rye, wheat, speltz, barley, oats, flax, corn, buckwheat, millet, sweet clover, alfalfa, and cane grown on cultivated land which is listed as actually cropped are insurable in the state hail insurance department in the manner specified in this chapter. Insurance obtained under the provisions of this chapter shall not become effective on winter wheat or winter rye before twelve o'clock noon, central standard time, of June first and shall not become effective on other crops before twelve o'clock, noon, central standard time, of June tenth of any year. No indemnity shall be allowed for a loss to winter wheat or winter rye which occurs later than twelve o'clock noon, central standard time, of August twenty-fifth nor for a loss to corn which occurs later than twelve o'clock noon, central standard time, of September fifteenth, nor for a loss to flax which occurs later than twelve o'clock noon, central standard time, of October first, nor for a loss to any other crop which occurs later than twelve o'clock, noon, central standard time, of September tenth of any year. The insurance permitted under this chapter shall not be effective on any crop which has been damaged materially by hail before an application is filed with the state hail insurance department.

Approved February 25, 1949.

CHAPTER 205

House Bill No. 91
(Erickson, Lindberg, Einarson and Bymers)

HAIL INSURANCE APPLICATION, WHEN EFFECTIVE

AN ACT

To amend and reenact Section 26-2221 of the North Dakota Revised Code of 1943 providing for the time when application for hail insurance shall become effective, and prescribing the duties of the Commissioner of Insurance on receipt of application, and declaring an emergency.

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

SECTION 1. AMENDMENT.) That Section 26-2221 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

26-2221. APPLICATIONS EFFECTIVE WHEN APPROVED BY COMMISSIONER: DUTY OF COMMISSIONER WHEN APPLICATION APPROVED. Hail insurance coverage furnished under the provisions of this chapter shall not be effective until midnight of the date shown on the postmark, according to the department's receiving records if mailed, and until midnight of the date an application is stamped received, if it is personally delivered to the office of the state hail insurance department, subject, however, to the approval of the commissioner of insurance as to insurability. Immediately upon the receipt and checking of the original and duplicate copies of an application for state hail insurance coverage in the office of the hail insurance department, the commissioner of insurance, if he approves the application, shall cause to be endorsed thereon his approval of the application and the date when the insurance is effective. The duplicate copy of the application, when it is so endorsed, shall be returned to the applicant and shall constitute the policy of insurance and shall entitle the applicant to the coverage permitted under the provisions of this chapter.

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

Approved February 28, 1949.

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 206

Senate Bill No. 105
(Judiciary Committee)

**RETIREMENT OF JUDGES OF SUPREME AND
DISTRICT COURT JUDGES****AN ACT**

For the retirement of justices of the supreme court and judges of the district court; providing for an assessment on salaries of such judges; providing for the withdrawal of a portion of the amount so assessed on retirement from office without becoming eligible for retirement salary; prescribing duties that such retired judges shall be eligible to perform and fixing their compensation.

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

SECTION 1. RETIREMENT OF SUPREME COURT JUDGES AND DISTRICT COURT JUDGES.) When a judge of the supreme court or a judge of the district court in this state has attained the age of seventy years and has served as such judge of the supreme court or judge of the district court for eighteen years or more, he shall be eligible for retirement under the provisions of this act. Any such judge who is, or who may become eligible for retirement, may make an application to the governor for such voluntary retirement, and the governor shall, if he finds that such judge is eligible for retirement, direct such retirement by written order, which order when filed in the office of the secretary of state, shall create a vacancy in said office, to be filled in the manner provided by law.

Provided, that the provisions of this act shall apply to judges who are retired either voluntarily or otherwise, under the provisions of any act providing for the retirement of judges for permanent physical or mental disability.

SECTION 2. RETENTION OF ASSESSMENTS FROM JUDGES' SALARIES; WITHDRAWAL OF SUMS SO RETAINED.) Every judge of the supreme court and of the district court shall, from the effective date of this act, pay an assessment of five per cent of his salary into the general fund of the state, which said assessment shall be

deducted from the salary of such judge and be retained by the state of North Dakota.

Provided further, that any judge of the supreme court or of any of the district courts of the state of North Dakota, who shall be retired from office, without becoming eligible for retirement pay under the provisions of this act, within one year of such retirement from office, upon making written application therefor, shall be entitled to a return of one-half of the amount he has paid into the fund, and which has been withheld from his salary as herein provided, without interest.

Provided further, that if any former judge, after having withdrawn one-half of such amount so paid and retained, while holding office as such judge of the supreme court or district court, shall thereafter become a judge of the supreme court or of a district court of this state, he shall return to the fund within one year after becoming such supreme court or district court judge, the amount withdrawn by him, with simple interest at the rate of four per cent from the time of such withdrawal.

Provided, that if any judge of the supreme court or district court shall die before retirement as provided for in this act, his administrator or executor shall be entitled to receive a refund of one-half of the amount retained from the salary of such judge, which claim shall be made within one year after the death of such judge and shall be filed with the state auditor of the state of North Dakota.

Provided further, that any judge who shall have served a combined total of eighteen years as a district and supreme court judge, shall be eligible for retirement under the provisions of this act and shall receive the retirement salary hereinafter provided for.

SECTION 3. DUTIES OF RETIRED JUDGES.) Upon the retirement of a judge of the supreme court or a judge of the district court, the supreme court may appoint him a commissioner of that court to aid and assist the court in the performance of such duties as may be assigned to him with his consent, but he shall not participate, directly or indirectly, in the decision of any case or other judicial controversy coming before the court for determination. Any such retired judge shall also be eligible to serve as a referee in any civil case or other judicial proceeding when so designated by the court having power to appoint referees; he may also, when requested, serve as legal counsel in the office of the attorney general, in any executive department, commission or bureau of the state and for any committee of the legislative assembly.

SECTION 4. SALARY OF RETIRED JUDGES.) Any such retired judge shall, for the remainder of his life, receive an annual salary

equal to one-half of the salary provided by law for his office at the time of his retirement, which salary shall be paid monthly as other judicial salaries are paid, and which said salary shall not be subject to an assessment of five per cent as provided for by section 2 of this act.

Approved March 7, 1949.

CHAPTER 207

Senate Bill No. 103
(Judiciary Committee)

RETIREMENT OF SUPREME AND DISTRICT COURT JUDGES

AN ACT

To amend and reenact Sections 27-05031 and 27-05032 of the 1947 Supplement to the North Dakota Revised Code of 1943, providing for the retirement of judges of the supreme court and the district court, providing the manner of making application therefor, and providing for compensation in case of retirement, the method of filling vacancies.

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

SECTION 1. AMENDMENT.) Section 27-05031 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-05031. RETIREMENT OF SUPREME COURT JUDGES AND DISTRICT COURT JUDGES.) Whenever a judge of the supreme court or a judge of the district court in this state become unable, because of permanent disability, to perform the judicial duties of his office during the remainder of the term for which he shall have been elected, and shall make a written application to the governor for his retirement, setting forth the nature and extent of such disability, the governor shall make such investigation as he shall deem advisable, and if he shall thereby determine that such disability exists, and that the public service is injured and will continue to be injured by reason of such disability, he shall thereupon by written order, to be filed in the office of the secretary of state, direct the retirement of such judge for the unexpired portion of the term for which such judge was elected, which retirement shall create a vacancy in said office, and which vacancy shall be filled by appointment as provided by law. Provided, that when the disability is mental and to an extent that renders

such judge incompetent to make such application, the same may be made by the legally appointed guardian of such judge.

SECTION 2. AMENDMENT.) Section 27-05032 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-05032. COMPENSATION OF RETIRED JUDGE.) When a judge of the supreme court or a judge of the district court shall be retired under the provisions of this act, he shall receive the compensation allotted to his office for the remainder of his said term.

Approved March 17, 1949.

CHAPTER 208

House Bill No. 101
(Bubel and Brickner)

COURT REPORTERS; SALARY AND EXPENSE

AN ACT

To amend and reenact Section 27-0602 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to salary and expense of court reporters.

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

SECTION 1. AMENDMENT.) Section 27-0602 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0602. SALARY AND EXPENSE OF COURT REPORTERS.) Each court reporter shall receive a salary of three thousand five hundred dollars per annum, payable in equal monthly installments by the counties constituting the judicial district in which such reporter is employed. Such salary shall be apportioned according and in proportion to the number of suits entered and commenced in the district court of the respective counties of such district in the preceding year. The presiding judge of each judicial district, on the first day of January of each year, or as soon thereafter as may be, shall apportion the amount of such salary to be paid by each county in his district on the basis aforesaid, and the county auditors of the respective counties in such judicial district shall issue to the order of such court reporter a warrant for the amount shown to be due by such apportionment. As reimbursement for expenses incurred in the performance of official duties outside of the county where the district court chambers are situated, the court reporter shall receive for actual living expenses a

sum not to exceed four dollars per day for meals, and in addition thereto actual lodging expenses not to exceed four dollars per day, and actual transportation expenses. Such sums shall be paid monthly by the county wherein such court reporter is attending to such official duties, when approved by the board of county commissioners, upon itemized statements submitted by him and supported by sub-vouchers or receipts as provided by section 21-0501 of the North Dakota Revised Code of 1943, and that all claims for actual transportation expense shall not exceed the amounts provided by section 54-0609 of the North Dakota Revised Code of 1943, and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, and verified by his affidavit. Provided, however, that no claim for actual living expenses or actual transportation expenses shall be approved for payment to a court reporter by the board of county commissioners unless such claim shall have been first approved by the district judge.

Approved March 19, 1949.

CHAPTER 209

Senate Bill No. 162
(Senators Nordhougen and Duffy)

FEEES AND MILEAGE FOR JURORS

AN ACT

To amend and reenact section 27-0905 of the North Dakota Revised Code of 1943, relating to fees and mileage of jurors.

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

SECTION 1. AMENDMENT.) Section 27-0905 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0905. FEES AND MILEAGE OF JURORS.) A juror shall receive:

1. Six dollars, payable by the county, for each day's attendance in district or county court as a regular or special juror;
2. Traveling expenses, payable by the county, of seven and one-half cents per mile for each mile actually and necessarily traveled each way;
3. Two dollars for each day's attendance as a juror in justice court; and
4. Two dollars, payable by the county, for each day's attendance at a coroner's inquest.

Approved March 5, 1949.

CHAPTER 210

House Bill No. 173
(Murray and Graham)

NEW NAMES FOR LIST OF PERSONS QUALIFIED AS JURORS

AN ACT

To amend and reenact section 27-0912 of the North Dakota Revised Code of 1943, relating to new names supplied for list of names of persons qualified as jurors after each jury term.

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

SECTION 1. AMENDMENT.) Section 27-0912 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0912. NEW NAMES SUPPLIED FOR LIST OF NAMES OF PERSONS QUALIFIED AS JURORS AFTER EACH JURY TERM; GROUND FOR CHALLENGE.) In each county, the list of the two hundred names of persons qualified to act as jurors, when possible, shall be kept full at all times by completing the number after each jury term of court. At the end of each jury term of the district court of a county, the clerk thereof, in order to keep such list full, shall make a requisition upon the county commissioners for the furnishing of as many names as were drawn to make up the jury at such term. At its first meeting following the receipt of such requisition, the board of county commissioners shall proceed to apportion such names in the manner hereinbefore provided for making up the whole of such list. Such names shall be selected in the manner in which the original list of names is selected, except that the posting of notices shall not be required and that the board of supervisors of any township, the city council or board of city commissioners of any city, or the board of trustees of any village need not be specially called to draw any such names but may do so at its next regular meeting. A failure to comply with any of the provisions of this section shall be ground for challenge of any juror who has served as a juror within five years next preceding the time when he is called to serve as a juror in either a civil or criminal case.

Approved March 11, 1949.

CHAPTER 211

Senate Bill No. 146
(Day, Schrock, Troxel)

JUVENILE COMMISSIONER; APPOINTMENT; POWERS

AN ACT

To amend and reenact section 27-1602 of the North Dakota Revised Code of 1943, relating to juvenile commissioners.

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

SECTION 1. AMENDMENT.) Section 27-1602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1602. JUVENILE COMMISSIONER; APPOINTMENT; POWERS.) The judges of each judicial district may appoint not more than two suitable and discreet persons of good moral character as juvenile commissioners for each county of the judicial district, but the number of said juvenile commissioners so appointed shall be based upon the need therefor as determined by the judges of each judicial district. Each juvenile commissioner so appointed shall have the powers generally conferred upon referees by chapter 17 of the title Judicial Procedure, Civil, and also shall have power to:

1. Administer oaths;
2. Take acknowledgements of instruments, for the purposes of this chapter;
3. Receive complaints and have warrants issued within the provisions of this chapter;
4. Examine fully into the merits of each case;
5. Issue summonses and subpoenas for hearings within the provisions of this chapter. Such hearings may be held at any place within the county where the proceeding is commenced;
6. Compel the attendance of witnesses before him and report any witness or witnesses to one of the judges of the judicial district for nonattendance or refusal to be sworn or to testify as provided by section 27-1023; and
7. Make such temporary order for the custody and control of a child as he may deem proper.

Upon petition of the board of county commissioners of any county asking that a juvenile commissioner be appointed for the county, the judge of the district court shall appoint a juvenile commissioner for such county.

Approved March 8, 1949.

CHAPTER 212

House Bill No. 292
(Graham, Stormon and Haugland)

TERMINATION OF PARENTAL RIGHTS BY JUVENILE COURT
AN ACT

To authorize the juvenile court to terminate parental rights in certain cases providing the procedure therefor; providing for the supervision, custody, and consent to adoption of children in such cases; providing for the appointment of guardians ad litem; and declaring an emergency.

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

SECTION 1. TERMINATION OF PARENTAL RIGHTS IN JUVENILE PROCEEDINGS: TRANSFER OF CONTROL AND CUSTODY OF CHILD.) Whenever in the court of a proceeding instituted under sections 27-1611, 27-1612, and 27-1621, of the North Dakota Revised Code of 1943, or otherwise, it shall appear to the court that the parent or parents of a child have abandoned such child or have substantially and continuously or repeatedly refused, or being financially able, have neglected to give such child parental care and protection, or whenever it shall appear to the court that the parents or surviving parent are not fit or proper parents by reason of any of the grounds set forth in section 27-1627 of the North Dakota Revised Code of 1943, and said conduct is found by the court as likely to be detrimental to the health, morals, or well-being of said child, a juvenile court in the judicial district of the parents' residence or of the county where the child is born or is found shall have jurisdiction to transfer the care, control, and custody of such child to the director of the division of child welfare of the public welfare board, to a licensed child-placing agency, or to some suitable adult person named by the court, and in the exercise of such jurisdiction the court may terminate all rights of the parents with reference to such child. A termination of the rights of one parent may be made without affecting the rights of the other parent should the evidence so warrant.

SECTION 2. HEARING AND SERVICE OF NOTICE THEREON.) Such transfer of the permanent care, control, and custody of a child and the termination of the rights of the parents with reference to the child shall be made only after a special hearing before the court and the court shall cause notice of the time, place, and purpose of such hearing to be served within or without the state on the parents or surviving parent or the father of an illegitimate child against whom paternity has been duly adjudged, upon the general

guardian of any such child, upon a general guardian of the mother of an illegitimate child, the general guardian of the father of an illegitimate child against whom paternity has been duly adjudged and on the director of the division of child welfare of the public welfare board for at least ten days prior to the date of the hearing. When it appears to the satisfaction of the court that personal service cannot be obtained, then by publication thereof in a newspaper in the county once a week for three consecutive weeks prior to the date of the hearing.

SECTION 3. TERMINATION OF PARENTAL RIGHTS UPON APPLICATION OF PARENTS.) Upon the application of the parents or of the surviving parent of any child, or of the mother of an illegitimate child, when paternity has not been adjudicated, a juvenile court in the judicial district of the parents' residence or of the county where the child is born or is found may, after notice to the director of the division of child welfare of the public welfare board, or upon good cause shown, order the transfer of the care, control, and custody of such child to the director of the division of child welfare of the public welfare board, to a licensed child-placing agency, or to some suitable adult person named by the court, and if it appears to be for the best interests of the child, the court may order the termination of all the rights of a parent with reference to such child.

SECTION 4. GENERAL GUARDIAN AND GUARDIAN AD LITEM, SERVICE ON.) In any proceeding had under any of the provisions of this act in which a parent is a minor or incompetent and for whom no general guardian has been appointed, the court shall appoint a guardian ad litem. All notices required to be served under the provisions of this act upon the parent or parents of such minor or incompetent, or upon the mother of an illegitimate child shall be served also upon such general guardian or guardian ad litem.

SECTION 5. PROCEEDINGS UPON TERMINATION OF PARENTAL RIGHTS.) Upon the termination of all parental rights, the child shall become a ward of the state and the director of the division of child welfare of the public welfare board shall be the representative of the state in all matters concerning said child. He shall have authority to give consent to the adoption of said child with the same force and effect as a consent given by the legal parent or parents. Where the custody of the child is placed with a licensed child-placing agency or some suitable person named by the court, due regard shall be given to the religious faith held by the parent or parents of the child and so far as it is practicable the child shall be placed in a child-caring agency or adult person of the same religious faith as that held by the parent or parents of

the child. The jurisdiction of the court shall continue until the child is adopted or becomes of age.

SECTION 6. ORDER UPON TRANSFERRING CUSTODY AND TERMINATING PARENTAL RIGHTS.) Every order of the juvenile court transferring the care, control, and custody of a child and terminating the rights of the parents or either parent with reference to a child shall be in writing and shall recite all the jurisdictional facts, and every such order shall be filed forthwith with the clerk of the juvenile court of such county, and two certified copies thereof sent to the director of the division of child welfare of the public welfare board.

SECTION 7. APPEAL AND STAY OF EXECUTION.) In every case where the juvenile court shall determine and adjudge the transfer of the care, control, and custody of a child or the termination of the rights of a parent or the parents with reference to such child, appeal may be taken in the manner as provided for appeals in civil actions except that no undertaking shall be required. On appeal, the case shall be triable anew in the supreme court. The judgment of said juvenile court shall stand, pending the determination of such appeal, but the court may stay the execution of said judgment pending such appeal, upon such conditions as the court may prescribe.

SECTION 8. RECORDS NOT OPEN TO INSPECTION.) The files and records of the court in any proceedings had under any of the provisions of this act shall not be open to inspection or copy by persons other than the parties interested, their attorneys, and representatives of the division of child welfare of the public welfare board, except upon an order of the court expressly permitting same.

SECTION 9. 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, 1949.

JUDICIAL PROCEDURE, CIVIL

CHAPTER 213

Senate Bill No. 87
(Flatt)

SURVIVAL OF CAUSES OF ACTION

AN ACT

Providing for survival of causes of action.

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

SECTION 1. No action or cause of action, except for breach of promise, alienation of affections, libel and slander, shall abate by the death of a party or of a person who might have been a party had such death not occurred.

Approved March 15, 1949.

CHAPTER 214

Senate Bill No. 92
(Judiciary Committee)

LIMITATION OF ACTION IN CASE OF DEATH

AN ACT

To amend and reenact section 28-1236 of the North Dakota Revised Code of 1943, relating to limitation on actions in case of death.

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

SECTION 1. AMENDMENT.) Section 28-0126 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-0126. LIMITATION IN CASE OF DEATH.) If a person entitled to bring an action dies before the expiration of the time limited for the commencement thereof and the cause of action survives, an action may be commenced by his representatives after the expiration of that time and within one year from his death. If a person against whom an action may be brought dies before the expiration of the time limited for the commencement thereof and the cause of action survives and is not one based upon a claim which may be filed in a probate proceeding, an action may be commenced against his executors or administrators after the expiration of that time and within one year after the issuing of letters testamentary or of administration.

Approved March 7, 1949.

CHAPTER 215

Senate Bill No. 212
(Day and Duffy by request)

CAUSES FOR NEW TRIAL, CIVIL ACTION

AN ACT

To amend and reenact Subsection 8 of Section 28-1902 of the North Dakota Revised Code of 1943, relating to causes for new trial.

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

SECTION 1. AMENDMENT.) That Subsection 8 of Section 28-1902 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

8. When without fault or negligence on the part of the party aggrieved, such party is unable to obtain or secure a correct and complete transcript of the testimony and instructions given and proceedings had at the trial. This ground or cause shall apply to all cases now pending.

Approved March 8, 1949

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 216

Senate Bill No. 211
CAUSES FOR GRANTING NEW TRIAL AND TIME OF
(Day and Duffy by request)

MAKING MOTION, CRIMINAL ACTION

AN ACT

To amend and reenact section 29-2402 of the North Dakota Revised Code of 1943, relating to causes for granting new trial, and time of making motion on cause No. 8 in this section.

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

SECTION 1. AMENDMENT.) That Section 29-2402 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

29-2402. CAUSES FOR GRANTING NEW TRIAL; TIME FOR MAKING MOTION BASED UPON CAUSE NO. 8 IN THIS SECTION.) When a

verdict has been rendered against the defendant, the court in which the trial was had, upon his application, may grant a new trial in the following cases only :

1. When the trial has been had in his absence, if the information or indictment is for a felony ;
2. When the jurors have received out of court any evidence other than that resulting from a view of the premises, or any communication, document, or paper referring to the case ;
3. When the jurors, after retiring to deliberate upon their verdict, have separated without leave of the court or have been guilty of any misconduct by which a fair and due consideration of the case has been prevented ;
4. When the verdict has been decided by lot or by any means other than a fair expression of opinion on the part of all the jurors ;
5. When the court has misdirected the jurors in a matter of law, or has erred in the decision of any question of law arising during the course of the trial, or has done or allowed any act in the action prejudicial to the substantial rights of the defendant ;
6. When the verdict is contrary to law or clearly against the evidence ;
7. When new evidence is discovered which is material to the defense and which the defendant could not, with reasonable diligence, have discovered and produced at the trial ;
8. When the defendant, without fault or negligence on his or her part, is unable to procure a correct and complete transcript of the evidence given and the proceedings had at the trial.

Approved March 8, 1949.

JUDICIAL PROCEDURE, PROBATE

CHAPTER 217

Senate Bill No. 233
(Day by request)

SUMMARY GUARDIANSHIPS IN ESTATES OF SMALL VALUE**AN ACT**

Providing for summary guardianships in estates of small value; and declaring an emergency.

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

SECTION 1.) In all cases arising hereafter where the county court shall have jurisdiction to appoint guardians of the estate of minors or other persons, and where the value of the property involved does not exceed the sum of five hundred dollars, and does not involve real estate, the county court having jurisdiction shall have power, at its discretion, to dispense with the requirements of law generally governing the appointment and qualification of guardians, and to make a summary appointment of a guardian to have charge of such property.

SECTION 2.) Whenever the court shall find that the property involved does not exceed the value of five hundred dollars and that no part thereof is real estate, and that the circumstances are such that the usual requirements for the establishment of a guardianship would be unduly cumbersome and expensive, the court may, upon its own motion or upon the application of some interested party, make a summary order appointing some suitable person to take charge of such property and in lieu of the otherwise applicable provisions of law for the guidance and control of such guardian, the court may include in such order such provisions for the application and use of the funds of the guardianship as the court deems wise and necessary, making provisions or such things as the bond of such guardian, his reports to the court, his investment, disposal and use of the funds entrusted to him and any other provisions which the court might make in instructing or controlling a trustee. The court shall have continuing jurisdiction to make such modifications of its original order as circumstances may require.

SECTION 3.) Except as herein provided, the provisions of law for the appointment of special guardians shall govern in the sum-

mary appointment herein provided for. But the provisions of law affecting general guardianships shall apply to the guardian appointed hereunder except as they are modified by the express orders of the court in its summary order above provided for.

SECTION 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 8, 1949.

CHAPTER 218

Senate Bill No. 90
(Judiciary Committee)

HEARINGS CONCERNING HOMESTEAD AND OTHER
EXEMPT PROPERTY

AN ACT

To amend and reenact section 30-1607 of the North Dakota Revised Code of 1943, relating to hearings concerning homestead and other exempt property in probate proceedings.

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

SECTION 1. AMENDMENT.) Section 30-1607 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1607. RETURN OF INVENTORY AND APPRAISEMENT; OBJECTIONS; HEARING.) Upon the return of the inventory and appraisal in an estate, the court must fix a day for hearing objections thereto concerning the homestead and other exempt property, and the executor or administrator must cause notice thereof to be given to all parties interested. At the hearing, the court may confirm the proceedings as to the inventory and appraisal and set apart the homestead and other exempt property, or may modify such proceedings or set them aside and order a new appraisal, as justice requires.

Approved March 7, 1949.

CHAPTER 219

Senate Bill No. 93
(Judiciary Committee)

ISSUANCE AND SERVICE OF CITATION IN PROBATE
PROCEEDINGS

AN ACT

To amend and reenact sections 30-0219 and 30-1704 of the North Dakota Revised Code of 1943, relating to issuance and service of citation in probate proceedings.

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

SECTION 1. AMENDMENT.) Section 30-0219 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-0219. ATTORNEY OF RECORD, MAY MAKE SERVICE UPON.) If any person upon whom service is required to be made has an attorney of record in the case, service may be made on such attorney. Such service shall be deemed service on the person represented by the attorney.

SECTION 2. AMENDMENT.) Section 30-1704 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-1704. CITATION AND SERVICE THEREOF.) If the inventory returned discloses the facts mentioned in subsection 1 of section 30-1701, or if a petition for a summary administration is filed as provided in section 30-1703, the court shall issue a citation fixing the time for a hearing upon such inventory or petition, as the case may be. Such citation shall be served in the manner provided by chapter 30-02 of this title.

Approved March 12, 1949.

CHAPTER 220

Senate Bill No. 209

(Day by request)

DISTRIBUTION OF ESTATES WHEN INTERESTED PARTY
DECEASED AND ITS ESTATE WITHOUT PROBATE

AN ACT

Relating to probate proceedings and providing for the distribution of estates when an interested party has died and no probate proceedings have been had upon the estate of such interested party.

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

SECTION 1. PARTIES.) When, in the course of administration of an estate, it appears that any deceased person whose estate has not been entered in probate for a period of six months after the death of such deceased person is interested in the estate in process of administration, the legal heirs of such deceased person who by the laws of succession have succeeded to the interest or interests of the decedent whose estate has not been admitted to probate shall be entered as parties respondent and distribution may be made directly to the parties entitled. The legal heirs of such deceased person shall be designated by name insofar as they are known to the court and shall be generally designated as "all persons interested in the estate of" (naming the deceased heir).

SECTION 2. PROCEEDINGS DISCONTINUED, WHEN.) If notice be brought to the court that an executor or administrator of the estate of the deceased heir has been appointed, such personal representative shall be substituted as a party respondent, in lieu of the heirs of such deceased heir, and distribution made to such personal representative or in accordance with the final decree of distribution in the estate of such deceased heir.

SECTION 3. PROCEEDINGS CONCLUSIVE.) The decree of final distribution and all other orders made pursuant to this act shall be binding and conclusive upon all persons interested in the estate of a deceased heir, including heirs, devisees, legatees and creditors, saving the right of appeal or rehearing as provided by law.

Approved March 8, 1949.

CHAPTER 221

House Bill No. 224
(Link and Rolfsrud)

RECORDING DECREE OF DISTRIBUTION WHEN REAL ESTATE
TITLE AFFECTED

AN ACT

To amend and reenact section 30-2111 of the North Dakota Revised Code of 1943, relating to recording certified copy of decree of distribution when it affects the title to real estate.

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

SECTION 1. AMENDMENT.) Section 30-2111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

30-2111. RECORD OF DECREE REQUIRED; DUTY OF COURT.) Within thirty days after the date on which a decree of distribution of an estate is rendered, the court shall record a certified copy thereof if it affects the title to real estate, in the office of the register of deeds in every county where the land distributed is situated, and the cost thereof shall be part of the expenses of administration.

Approved March 11, 1949.

JUSTICE COURT

CHAPTER 222

Senate Bill No. 171
(Day, Duffy and Nordhougen)

APPEAL FROM JUSTICE COURT BY STATE AND DEFENDANT**AN ACT**

To amend and reenact section 33-1234 of the North Dakota Revised Code of 1943, relating to appeal from justice court judgment by state and defendant; time; how taken; notice; and bail, and providing a new trial in certain cases.

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

SECTION 1. AMENDMENT.) Section 33-1234 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

33-1234. APPEAL; TIME; HOW TAKEN; NOTICE; BAIL.) An appeal may be taken from a judgment of a justice of the peace or a police magistrate sitting as a justice of the peace, to the district court by the state in a criminal action, upon any question of law, and by the defendant upon both questions of law and fact, at any time within thirty days after the entry of judgment, by giving a notice of the appeal, and by the defendant giving bail for his appearance in district court as prescribed in this chapter. Any defendant having pleaded guilty without the advice of counsel shall, within thirty days thereafter, upon application of his attorney, be entitled to have any judgment entered on such plea vacated and a new trial granted.

Approved February 26, 1949.

LABOR AND EMPLOYMENT

CHAPTER 223

House Bill No. 211

(Graham, Thompson of Richland and Holand)

MAXIMUM HOURS OF WORK, CITY EMPLOYEES**AN ACT**

Regulating the maximum hours of work an employee, other than the chief, in a fire department in any city of North Dakota with a population of twenty thousand or more inhabitants, shall be required to work in any two week period; and prescribing a penalty for violation.

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

SECTION 1. MAXIMUM HOURS OF LABOR.) No employee, other than the chief, of a fire department in any city of North Dakota with a population of twenty thousand or more inhabitants, shall be required to work more than one hundred and forty-four hours in any two week period but shall be subject to call while off duty in case of emergency not to exceed more than one hundred and forty-four hours in this two week period.

SECTION 2. PENALTY.) Any person who shall violate any provision of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Approved February 28, 1949.

LIENS

CHAPTER 224

House Bill No. 223
(Link and Rolfsrud)

**DISCHARGE REAL ESTATE MORTGAGE NOT RENEWED
OR EXTENDED**

AN ACT

To amend and reenact section 35-0313 of the North Dakota Revised Code of 1943, relating to discharge of real estate mortgage not renewed or extended of record.

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

SECTION 1. AMENDMENT.) Section 35-0313 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-0313. DISCHARGE OF REAL ESTATE MORTGAGE NOT RENEWED OR EXTENDED OF RECORD.) Every mortgage of real estate which has not been renewed or extended of record within fifteen years after its due date or when no due date is shown in the mortgage, then within twenty years after the recording of such mortgage, shall be discharged of record by order of a judge of the district court within the district in which the mortgaged real estate is situated upon application of any party interested and without notice. Such application and order shall be filed in the office of the clerk of the district court in the county wherein such mortgaged real estate is situated. A certified copy of such order shall be recorded in the office of the register of deeds. The fee for such application and order to be the same as that charged for filing in a civil action.

Approved March 11, 1949.

CHAPTER 225

Senate Bill No. 35
 (Legislative Research Committee
 at the request of the Aeronautics Commission)

REPAIRMAN'S LIENS

AN ACT

To amend and reenact section 35-1301 of the North Dakota Revised Code of 1943, relating to repairman's liens.

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

SECTION 1. AMENDMENT.) Section 35-1301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

35-1301. LIEN FOR REPAIRS ON PERSONALITY; WHO MAY HAVE.) Any blacksmith, machinist, farm equipment dealer, garage keeper, mechanic or aviation operator, having an established place of business within this state who makes, alters, or repairs any automobile, truck, engine, threshing machine, combine, tractor, power-driven farm equipment, well machine, or aircraft at the request of the owner or legal possessor of the property shall have a lien thereon, and on any accessories and parts placed upon the same, for his reasonable charges for work done and materials furnished, until the charges are paid.

Approved March 7, 1949.

CHAPTER 226

Senate Bill No. 217
 (Senator Brant)

HOUSEMOVER'S LIEN

AN ACT

To amend and reenact section 35-2013 of 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:

SECTION 1. AMENDMENT.) Section 35-2013 of 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.) The lien provided for in section 35-2012 must be perfected within thirty 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.

Approved March 8, 1949.

LIVESTOCK

CHAPTER 227

Senate Bill No. 165

(Brant, Blume, and Nelson of McKenzie)

STATE LIVESTOCK SANITARY BOARD; MEMBERS; TERMS AND QUALIFICATIONS

AN ACT

To amend and reenact section 36-0101 of the North Dakota Revised Code of 1943 relating to the State Livestock Sanitary Board; Providing for the membership thereon and the manner in which appointed; Providing for the terms and qualifications of the members thereof and providing for the expiration of terms of office of members of said Board existing prior to the effective date of establishment of the Board provided for in this Act.

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

SECTION 1. AMENDMENT.) Section 36-0101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0101. STATE LIVESTOCK SANITARY BOARD; HOW CONSTITUTED; THE MANNER IN WHICH APPOINTED; TERMS AND QUALIFICATIONS OF MEMBERS; EXPIRATION OF TERMS OF OFFICE OF MEMBERS OF SAID BOARD EXISTING PRIOR TO THE EFFECTIVE DATE OF ESTABLISHMENT OF THE BOARD PROVIDED FOR IN THIS ACT.) Commencing with the 1st day of August, 1949 the state livestock sanitary board shall consist of seven members appointed by the governor for terms of seven years each with their terms of office so arranged that one term, and only one, shall expire on the first day of August in each year. Members of the board as constituted previous to the passage of this act shall hold their respective offices until their terms have expired and their successors are appointed and qualified. The appointment of the two additional members prior to August, 1949 shall be one for a term of 5 years and one for a term of 6 years. Each member of such board shall be a qualified elector of this state. Each member of the board, immediately after his appointment shall take the oath of office required of civil officers. One member of said board shall be a person actively engaged and financially interested in the commercial beef cattle industry and shall represent said industry on said board; one member of said board shall be a person actively engaged and financially interested in the registered purebred beef cattle industry and shall represent said industry on said board; one member of said board shall be a person actively engaged and financially interested in the dairy cattle industry and shall represent said industry on said board; one member of said board shall be a person actively engaged and financially interested in the swine industry and shall represent said industry on said board; one member of said board shall be a person actively engaged and financially interested in the sheep industry and shall represent said industry on said board; and two members of said board shall be competent veterinarians who are graduates of a veterinary course in a recognized college or university. Vacancies occurring prior to the expiration of terms of office shall be filled by appointment by the governor and shall be for the balance of the unexpired term. Recommendations for appointment of members to said board as constituted under this section may be made to the governor by the following associations for the following stated industries, to-wit: By the North Dakota Stockmen's Association for the members representing commercial beef cattle; by the various registered purebred beef cattle associations for the member representing the registered purebred beef cattle; by the various dairy breed associations for the member representing dairy cattle; by the North Dakota Swine Breeders' association for the member representing swine; and by the North Dakota Wool Growers' association for the member representing sheep and by the State Veterinary Medical association for the two veterinarian members and

by such other associations within this state representing livestock industries as the governor may permit. Two recommendations shall be submitted for each office to be filled.

Approved March 8, 1949.

CHAPTER 228

House Bill No. 237

(Maher, Baeverstad, McInnes, Zurcher,
Hofstrand and Roy Larson)

LIVESTOCK INSPECTION AT SALES RING;
FEES AND REGULATIONS

AN ACT

To amend and reenact Section 36-0510 of the North Dakota Revised Code of 1943 relating to inspection of livestock entering sales ring for health, and prescribing fees.

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

SECTION 1. AMENDMENT.) That Section 36-0510 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

SECTION 36-0510. INSPECTION OF LIVESTOCK; FEES AND REGULATIONS GOVERNING.) When an animal enters a livestock sales ring and before it is offered for sale, it shall be inspected for health and brands. The inspection for health shall be made by a veterinarian approved by the state livestock sanitary board whether the livestock is moved interstate or intrastate. The fees for such inspection and the manner of payment thereof shall be established by regulations adopted by the state livestock sanitary board.

Approved March 9, 1949.

CHAPTER 229

Senate Bill No. 207
(Solberg)

EFFECT OF REGISTERED LIVESTOCK BRAND
AN ACT

Declaring the effect of a registered brand on livestock: requiring a bill of sale on the sale of branded livestock; declaring the effect thereof; providing a penalty and repealing section 36-0907 of the North Dakota Revised Code of 1943.

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

SECTION 1. EFFECT OF REGISTERED BRAND.) A legally registered brand on livestock shall be prima facie evidence that the animal bearing the same is the property of the owner of such brand, unless covered by a bill of sale as provided by this act.

SECTION 2. BILL OF SALE TO BE GIVEN AND KEPT; COPY WITH SHIPMENT: EFFECT. Any person who sells any registered branded livestock shall give, at the time of sale, to the buyer a written bill of sale, bearing the signature and residence of the seller and name and address of the buyer, and giving the total number sold, and describing each animal sold as to sex and kind and all registered brands, except tattoos. Such bill of sale shall be kept by the buyer for two years and as long thereafter as he shall own any of the animals described therein. A copy of the bill of sale shall be given to each hauler of such livestock, other than railroads, and shall go with the shipment of such stock while in transit. Such bill or copy shall be shown by the possessor on demand to any peace officer or brand inspector. Such bill of sale shall be prima facie evidence of the sale of the livestock therein described; provided, that no such bill of sale shall be required relative to sales of livestock covered by a legal livestock brand inspection.

SECTION 3. PENALTY.) Any violation of this statute shall be a misdemeanor.

SECTION 4. REPEAL.) Section 36-0907 of the Revised Code of 1943 is hereby repealed.

Approved March 19, 1949.

CHAPTER 230

House Bill No. 39

(at the request of the Department of Agriculture and Labor)

ISSUANCE OF LIVESTOCK BRAND BOOKS

AN ACT

To amend and reenact section 36-0914 of the North Dakota Revised Code of 1943, relating to the issuance of brand books and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 36-0914 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

36-0914. COMMISSIONER OF AGRICULTURE AND LABOR TO ISSUE BRAND BOOK.) The commissioner of agriculture and labor shall compile and issue a brand book from the records of livestock brands in his office as of January 1, 1950, and shall compile and issue such book every sixth year thereafter. A copy of such brand book shall be delivered free of charge to every registered owner of brands at the time of the issuance of certificates of registration or reregistration. Annually thereafter, except in the year when a brand book is issued and the preceding year, the commissioner shall prepare a supplement of brands registered during the year and shall distribute the same free of charge to all brand owners as shown by the records of his office.

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

Approved February 9, 1949.

CHAPTER 231

House Bill No. 238

(Maher, Zurcher, Hofstrand, Brady, McInnis,
Braeverstad, Rolfsrud, and Roy Larson)

REGULATING INSPECTION, SALES, ETC., OF ESTRAYS

AN ACT

Defining strays and estrays; authorizing the inspection of cattle at all livestock markets; authorizing the North Dakota Livestock Sanitary Board to prescribe rules for inspection; authorizing the North Dakota Stockmen's Association to appoint brand inspectors and to make inspections of all shipments and consignments of cattle at all livestock markets; providing for the sale of estrays and determination of the ownership, and for the disposition of the moneys received therefor; providing for examination and inspection of accounts and records by the state examiner; and repealing all acts or parts of acts in conflict therewith.

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

SECTION 1. STRAYS OR ESTRAYS; DEFINITION.) Any marked or branded cattle found at any livestock market, to which a shipper cannot produce title or satisfactory evidence of ownership, is considered as an estray.

SECTION 2. NORTH DAKOTA STOCKMEN'S ASSOCIATION': AUTHORITY.) The North Dakota Stockmen's Association, a livestock association duly organized under the laws of the state of North Dakota, and duly registered as a market agency under the act of congress commonly known as the packers and stockyards act, is hereby authorized, for the better protection of the livestock industry of the state of North Dakota and for the purpose of securing a uniformity of inspection and cooperation with the department of agriculture of the United States, to make an inspection to determine ownership, of all cattle shipped or consigned from this state to any public livestock markets, including sales rings, buying stations, or packing plants within or without the state of North Dakota.

SECTION 3. RULES AND REGULATIONS; FEES FOR INSPECTION.) The North Dakota livestock sanitary board shall, with the advice of the officers of the North Dakota Stockmen's Association, make rules regulating the inspection of cattle for brands at sales rings, packing plants, buying stations and shall set the fees to be charged by the brand inspector. Brand inspectors under this act shall charge and collect fees for inspections on all shipments or consignments of cattle at livestock markets, at the rate authorized by the United States department of agriculture, and shall charge

and collect fees for inspection at sales rings, buying stations and packing plants as shall be set by the livestock sanitary board, which funds, so collected, shall be paid into the general fund of the North Dakota Stockmen's Association.

SECTION 4. COLLECTION OF ESTRAY FUNDS.) It shall be lawful for said brand inspectors of said association to receive and receipt for all funds from the sale of estray cattle and turn the same over to the treasurer of said association for disbursement as hereinafter provided.

SECTION 5. ESTRAY FUND.) All moneys received from the sale of estray cattle as above provided shall be kept in a separate fund of the association to be known as the "estray fund" until such time as the same may be claimed by the owners of said estray livestock, the claims therefor to be made within the time hereinafter provided.

SECTION 6. PAYMENT TO OWNERS OF ESTRAYS.) The secretary of said North Dakota Stockmen's Association, upon satisfactory proof of ownership of any estray for which the association has received the money, shall, with the approval of the board of directors of said association, pay such owner the amount received from the sale of such estray; provided, however, that such ownership shall be proven within one year after the publication of the notice provided for in Section 7 hereof.

SECTION 7. PUBLICATION OF LIST OF ESTRAYS.) The secretary of the North Dakota Stockmen's Association shall annually during the month of December send two lists of all unclaimed estrays, for which the association has received payment, to the county auditor of each county from which the estrays were originally shipped. Said county auditor shall post one copy thereof in a conspicuous place in the court house and place one copy on file in his office. It shall also be the duty of the association to cause a notice that such estray lists have been posted, to be advertised during the month of December of each year in the county from which the estrays were originally shipped, said notice to appear at least twice in the official newspaper of said county.

SECTION 8. DISPOSITION OF UNCLAIMED RECEIPTS FROM SALE OF ESTRAYS.) Any funds in the hands of said association, or hereinafter received by it from the sale of estrays which shall not be claimed by the owners within one year from the posting of the notice provided for in Section 7 hereof, shall be turned into the general fund of the association. All records relative to estrays shall be preserved by the association for a period of six years subsequent to the time the money reverts to the general fund of the association. Provided, however, that nothing herein shall bar

the lawful owner of any estray from maintaining an action against said association for the recovery of any sum to which he may be entitled within the period of limitation given by general law governing other causes of action of like character.

SECTION 9. STATE EXAMINER TO EXAMINE RECORDS OF THE ASSOCIATION; REPORT.) It shall be the duty of the state examiner to examine the records and accounts of said North Dakota Stockmen's Association and to report thereon to the governor in the same manner as is now provided by law for the examination of records and accounts of public officers.

SECTION 10. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1949.

MILITARY

CHAPTER 232

Senate Bill No. 126

(Krenz, Rue, Wahlund, Leno, Nordhougen, Brant)

ADJUTANT GENERAL, SALARY, ETC.

AN ACT

Amending and reenacting Section 37-0301 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to the office of the Adjutant General.

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

SECTION 1. AMENDMENT.) Section 37-0301 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-0301. ADJUTANT GENERAL: APPOINTMENT; QUALIFICATIONS; TERM; SALARY; OFFICE AT CAPITOL; REMOVAL.) The adjutant general shall be appointed by the governor, and shall have been a federally recognized commissioned officer of the national guard for a period of at least three years immediately preceding his appointment. His term of office shall be for six years and shall commence on July 1, 1941, and on every sixth anniversary thereof. Any vacancy in such office may be filled by the governor, but an appointment to fill a vacancy shall be made only for the unexpired term. The salary of the adjutant general shall be the biennial appropriation made for this purpose by the legislative assembly. He shall have his office at the state capitol. The provisions of chapter 4 of this title relating to the vacation of commissions, retirement, and discharge shall apply to the adjutant general.

Approved March 19, 1949.

CHAPTER 233

House Bill No. 217
(Hegge and Maher)

SALARY AND EXPENSES COUNTY VETERANS'
SERVICE OFFICER

AN ACT

To amend and reenact section 37-1419 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to salary and expenses of county veterans' service officer.

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

SECTION 1. AMENDMENT.) Section 37-1419 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1419. SALARY AND EXPENSES OF COUNTY VETERANS' SERVICE OFFICER.) The county veterans' service officer shall be paid such monthly salary for fulltime or part-time work as the board of county commissioners shall deem commensurate with the needs of the situation, together with actual living expenses when absent from his established office upon official business in an amount not exceeding that allowed to state officials, upon itemized statements submitted by him and supported by sub-vouchers or receipts as provided by section 21-0501 of the North Dakota Revised Code of 1943, and his actual transportation expenses, which shall not exceed the amounts provided by section 54-0609 of the North Dakota Revised Code of 1943, and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, verified by his affidavit and supported by sub-vouchers or receipts as provided by section 21-0501 of the North Dakota Revised Code of 1943.

Approved March 9, 1949.

CHAPTER 234

House Bill No. 142
(Johnson and Stair)

COMPENSATION BOARD OF TRUSTEES OF SOLDIERS HOME

AN ACT

To amend and reenact section 37-1506 of the North Dakota Revised Code of 1943, relating to compensation of members of board of trustees of the soldiers' home.

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

SECTION 1. AMENDMENT.) Section 37-1506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1506. COMPENSATION OF MEMBERS OF BOARD OF TRUSTEES OF THE SOLDIERS' HOME.) Each member of the board of trustees of the soldiers' home shall receive five dollars for each day in which he is engaged in the performance of his duties under the provisions of this chapter and his necessary expenses in connection therewith. No member of the board, however, shall receive compensation for more than sixty days in any one year

Approved February 11, 1949.

CHAPTER 235

House Bill No. 98
(Johnson of Cass)

QUALIFICATIONS, ETC., COMMANDANT OF SOLDIERS HOME

AN ACT

To amend and reenact section 37-1507 of the North Dakota Revised Code of 1943, relating to commandant of the soldiers' home.

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

SECTION 1. AMENDMENT.) Section 37-1507 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

37-1507. COMMANDANT OF SOLDIERS' HOME: APPOINTMENT; QUALIFICATIONS; SALARY; SERVES AT PLEASURE OF BOARD.) The board of trustees of the soldiers' home shall appoint as com-

mandant of the home a person who holds an honorable discharge from the military or naval service of the United States of America and who served in the Spanish American War, World War I or World War II. The commandant shall serve at the pleasure of the board. He shall receive such salary as is provided in legislative appropriation from time to time. He shall act as secretary of the board.

Approved February 11, 1949.

CHAPTER 236

Senate Bill No. 2
(Legislative Research Committee)

VETERANS ADJUSTED COMPENSATION ACT

AN ACT

To provide for payment of adjusted compensation to North Dakota veterans of World War II who served in the armed forces of the United States or governments allied with the United States government in World War II between January 1, 1941, and January 1, 1946, and to beneficiaries of such persons; to prescribe the powers and duties of state officers with respect thereto; to prescribe penalties for violations of the provisions of this act; providing an appropriation and declaring an emergency.

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

SECTION 1.) This act shall be known and may be cited as the "veterans' adjusted compensation act."

SECTION 2.) As used in this act:

1. "Period of service" means the period of time between January 1, 1941, and January 1, 1946, both dates inclusive;
2. "Veteran" means a man or woman who served honorably and faithfully for more than sixty days in active service in the military, naval, marine, woman's army auxiliary corps, or coast guard forces of the United States, or any of the governments allied with the United States in World War II, at any time during the period of service, and who was a resident of the state of North Dakota at the time of entering such service and for at least six months prior thereto, and who has not received bonus or adjusted compensation from another state;
3. "Beneficiary" in relation to a deceased veteran, means, in the order named;

- a. The surviving unremarried husband or wife;
 - b. The surviving child or children and the lawful issue of a deceased child or children by right of representation;
 - c. The surviving parent or parents;
 - d. The surviving person standing in loco parentis; or
 - e. The surviving brothers and sisters.
4. "Honorable and faithful service" shall be such service as is evidenced by:
 - a. An honorable discharge, or its equivalent;
 - b. In the case of an officer, a certificate of service; and
 - c. In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his service was honorable and faithful.
 5. "Foreign service" means service by a veteran during the period of service anywhere outside of any state of the United States and the District of Columbia;
 6. "Domestic service" means service by a veteran during the period of service in any state of the United States and the District of Columbia;
 7. "Adjutant general" means the adjutant general of the state of North Dakota;
 8. "Resident" means a person who has acquired a status as follows:
 - a. Was born in and lived in the state of North Dakota until entrance into the armed forces of the United States;
 - b. Was born in, but was temporarily living outside the state of North Dakota, not having abandoned residence therein prior to entrance into the armed forces of the United States, or any of the governments allied with the United States in World War II; or
 - c. Was born elsewhere but had resided within the state of North Dakota for at least six months prior to entrance into military service and had prior to or during such six months period:
 - (1) Registered for voting, or voted in the state of North Dakota;
 - (2) Being an unemancipated minor during such period of residence had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; and
 - (3) If not registered for voting in the state of North Dakota, was not registered for voting in another state, and had resided in the state of North Dakota for at least six months prior to entrance into the armed forces of the United States, or any of the

governments allied with the United States in World War II.

- d. In all other cases where the veteran was a bona fide resident of the state of North Dakota at the time of entering the armed forces as determined, in accordance with the rules and regulations of the adjutant general and the laws of the state of North Dakota. No person shall be considered a resident of North Dakota for the purpose of receiving any benefits under this act, if he was on continuous active duty in the armed forces for a period of five years or more, immediately prior to December 7, 1941, and has not established actual abode in North Dakota prior to the effective date of this act.

SECTION 3.) Each veteran shall be paid for domestic service twelve dollars and fifty cents for each month or major fraction thereof and shall be paid for foreign service seventeen dollars and fifty cents for each month or major fraction thereof. If the veteran be deceased, payments shall be made to the beneficiary.

SECTION 4.) In the case of a veteran who died in active service during the period of service, there shall be paid to the beneficiary of such veteran an amount as determined by section 3 of this act, provided that in no case shall such beneficiary be paid less than six hundred dollars.

SECTION 5.) Each veteran or his beneficiary entitled to payment shall make application to the adjutant general of the state of North Dakota upon such form as may be prescribed by him, provided that if the veteran be incompetent or his beneficiary be incompetent or a minor, application shall be made by the guardian, if any, of the veteran or beneficiary, or, if there be no guardian, then by the person, determined by the adjutant general, to have assumed the major responsibility for the care of the veteran or beneficiary and to be a proper person to receive payment for the veteran or beneficiary, or in the case of a veteran who is hospitalized in a state, county or federal institution if no application has otherwise been approved by the adjutant general, by the person in charge of such institution with the approval of the adjutant general. For the purpose of this section, the word "minor" shall not include the unremarried wife of a veteran. Each application shall be accompanied by a certified copy of honorable discharge or by other evidence of honorable and faithful service as set forth in section 2 of this act. Each application shall be subscribed and sworn to by the applicant in such manner as may be prescribed by the adjutant general. The adjutant general shall provide by regulation for an endorsement on the evidence of honorable and faithful service required that application for payment has been made.

SECTION 6.) Upon submission to him of satisfactory proof that the applicant is entitled to payment under this act, the adjutant general shall compute the amount of payment due the applicant, make a record thereof, and forward the same to the state auditor for payment upon such forms as the state auditor shall prescribe. Upon receipt and audit thereof, the state auditor shall issue his warrant upon the state treasurer in favor of such applicant for the amount of such allowed claim. Payment shall be made from funds provided by the legislative assembly of the state of North Dakota, pursuant to the amendment to the constitution of North Dakota adopted by the thirtieth legislative assembly of the state of North Dakota as house concurrent resolution X and approved by the people at the primary election held on June 29, 1948. In any case where the veteran or the applicant for payment under this act is indebted to the veterans aid commission of the state of North Dakota, the adjutant general shall determine the amount of such indebtedness and certify such determination to the state auditor together with the record of payment due. Within the limits of the payment due, the state auditor shall remit the amount of such indebtedness to the veterans aid commission and pay to the applicant such difference, if any, to which he may be entitled.

SECTION 7.) Payments under this act shall be exempt from all taxation and from levy, garnishment, attachment and sale on execution. Any pledge, mortgage, sale, assignment or transfer, heretofore or hereafter made, of any right, claim or interest in any claim or payment under this act shall be void and payment shall not be denied, because of any sums owed to the state or any political subdivision except as provided in section 6 of this act.

SECTION 8.) For the purpose of carrying into effect the provisions of this act, the adjutant general is charged with the administration thereof and for that purpose he shall prepare and distribute application blanks, investigate all claims and applications filed with him, and if satisfied of the proof of such claim and application, approve the same and direct payment thereof, and shall make any regulation necessary to the efficient administration of the provisions of this act. The books, papers and records, together with the filing cases and equipment procured and used in the administration of this act shall become a part of the permanent records of the office of the adjutant general. The adjutant general shall have authority to determine any claim in any case where a doubt arises as to the eligibility of an applicant to receive payment, and the decision of the adjutant general in such case shall be final, except on questions of residence which shall be subject to review by a court of competent jurisdiction.

SECTION 9.) Any person who shall willfully make a false statement in the application for benefits under the provisions of this act shall be guilty of a misdemeanor.

SECTION 10.) No application for benefits under the provisions of this act shall be filed or received after five years from the effective date of this act.

SECTION 11.) There is hereby appropriated out of any moneys in the special fund in the state treasury established for the purpose of paying adjusted compensation to North Dakota veterans of World War II, not otherwise appropriated from time to time for administrative expenses in connection with the establishment of the fund or in carrying out the provisions of this act, the sums necessary to make payment of adjusted compensation to North Dakota veterans of World War II in accordance with the provisions of this act.

SECTION 12.) 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 18, 1949.

CHAPTER 237

House Bill No. 249
(Committee on Veterans and Military Affairs)

HOUSING FOR VETERANS OF WORLD WAR I AND II

AN ACT

To facilitate housing for veterans of World War I and World War II; to authorize cooperation with the officers and agencies of the United States government in respect thereto; granting certain emergency powers to the governor and any state agency or official designated by him, and declaring an emergency.

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

SECTION 1. DECLARATION OF POLICY.) In order to insure adequate public or private housing for veterans of World War I and World War II, it is hereby found and declared to be necessary, in the interest of public health and welfare of the state and the United States, that the governor be granted certain emergency powers relating to housing and that the state may participate in any federal housing act or acts enacted by the congress of the United States.

SECTION 2. AUTHORITY OF GOVERNOR.) To carry out the purposes of this act, and expedite the functions of housing authorities in this state, the governor may designate any officer or head

of any department of a state industry, board, bureau or commission as a "housing coordinator."

SECTION 3. POWERS AND DUTIES.) The housing coordinator is vested with the following powers and duties:

1. To cooperate with the agencies of this state and of the federal government connected with veterans housing, in the formulation and execution of plans for an expedited housing effort, and the persons connected with it;
2. To coordinate the activities of "housing authorities" in this state, veterans housing cooperatives, and eligible veterans of World Wars I and II, in a manner which will best effectuate public or private housing of veterans;
3. To solicit the cooperation of officials of the various political subdivisions of the state in the proper execution of such plans;
4. To assist and advise the various political subdivisions of the state and groups sponsoring veterans' housing and all phases of housing; and
5. To investigate, advise and make appropriate recommendations to the governor respecting the execution of emergency powers hereinafter conferred upon the governor in connection with the suspension of laws, ordinances and regulations pertaining to housing, and to aid the governor in the exercise of such emergency powers.

SECTION 4. EMERGENCY POWERS OF THE GOVERNOR.) The governor is authorized and empowered to cooperate with any officer or agency of the United States, directly or indirectly charged with responsibility for facilitating the housing of veterans of World War I and World War II. In furtherance of such cooperation, the governor shall have the power, by executive order, when requested by any federal officer or agency, and when recommended by the housing coordinator:

1. To suspend or modify the enforcement of any statute or regulation relating to the construction, repair or alteration of housing facilities where it appears that the enforcement of such statute, ordinances, or regulations would hinder, impede or interfere with an expedited housing program;
2. To suspend the enforcement of any statute or regulation requiring the issuance of any permit or license for the construction, alteration or repair of private or public housing construction, under the provisions of any congressional enactment;
3. To amend, revoke or suspend any such executive order or regulation from time to time, when such action is recommended by the housing coordinator, or when he, in his judgment deems it advisable; and

4. To allocate materials to housing as contemplated by this act, and suspend the construction, reconstruction, repair or alteration of structures other than housing, and providing for a permit system for all nonresidential construction, reconstruction, repair or alteration.

SECTION 5. REPORT TO LEGISLATURE.) The governor shall report to the legislature at its next session the proceedings taken by him pursuant to this act, which reports shall include copies of all executive orders or regulations promulgated by him pursuant to the provisions of this act.

SECTION 6. PENALTY.) Any person who violates any of the provisions of this act, or of any order or regulation promulgated by the governor pursuant to this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

SECTION 7. SEVERABILITY.) If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the Act, which can be given the effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

SECTION 8. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1949.

MOTOR VEHICLES

CHAPTER 238

House Bill No. 342
(Hegge and Johnson)
(Recommended by the Delayed Bills Committee)

**MARKING STATE-OWNED MOTOR VEHICLES;
PRIVATE AND POLITICAL USE PROHIBITED****AN ACT**

To amend and reenact sections 39-0102 and 39-0103 of the North Dakota Revised Code of 1943, providing for the names to be printed on state-owned motor vehicles; providing a penalty and prohibiting the use of any state-owned motor vehicle for private use or political activities, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 39-0102 of 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. 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.

SECTION 2. AMENDMENT.) Section 39-0103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0103. STATE-OWNED MOTOR VEHICLE NOT TO BE USED FOR PRIVATE USE OR IN POLITICAL ACTIVITIES.) No person, officer, or employee of the state or of any department, board, bureau, commission, institution, industry, or other agency of the state, shall use or drive any motor vehicle belonging to the state or to any department, board, bureau, commission, institution, industry, or other agency of the state for private use, or while engaged in any political activity.

SECTION 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 15, 1949.

CHAPTER 239

House Bill No. 215

(Murray, Braun, Brickner, Allen and Frank)

N. D. HIGHWAY PATROLMEN'S RETIREMENT SYSTEM

AN ACT

Creating and establishing a North Dakota highway patrolmen's retirement system; creating and establishing a fund to be known as the North Dakota highway patrolmen's retirement fund; providing for payments upon retirement, death, disability, voluntary and involuntary retirement from the North Dakota highway patrolmen's retirement fund; providing for the creation of a board of trustees and defining its powers and duties; providing for contributions by members of the North Dakota highway patrol; providing for the guaranty and appropriation by the state of North Dakota of certain of said funds; providing for the subrogation of the state of North Dakota to the rights of the member or dependant against certain third parties; exempting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing for penalties.

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

SECTION 1. DEFINITIONS.) The following words and phrases as used in this Act, unless a different meaning is plainly implied by the context, shall have the following meanings:

1. "Accumulated deductions," the total of the amounts deducted from the salary of a contributor and paid into the fund, and standing to his credit in the fund, together with the regular interest thereon;

2. "Beneficiary," any person in receipt of a retirement allowance under this Act;
3. "Board," the North Dakota highway patrolmen's retirement board;
4. "Compulsory retirement age," sixty-five years of age.
5. "Contributor," any person who has accumulated deductions in the fund, standing to his credit.
6. "Final salary," the average annual compensation received by a contributor before any deductions have been made, and exclusive of maintenance allowances and expenses, for the five years of service immediately preceding retirement, or, in the event a member has not served five years, the total retirement compensation earned, divided by the number of years served.
7. "Fund," the North Dakota highway patrolmen's retirement fund.
8. "Involuntary retirement," a retirement not for cause and before retirement age.
9. "Member's annuity," payments for life derived from contributions made by the contributor.
10. "Optional retirement age," the age at which a contributor may retire after twenty years service or more.
11. "Retirement allowance," the state annuity plus the member's annuity.
12. "Retirement age," the age at which a member retires after twenty-five years of creditable service with the North Dakota highway patrol; and
13. "State annuity," payments for life derived from contributions made by the state of North Dakota.

SECTION 2. NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT SYSTEM.) A retirement system is hereby established for the members of the North Dakota highway patrol.

SECTION 3. NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT BOARD.) There is hereby established the North Dakota highway patrolmen's retirement board which will consist of five members, who shall be the highway commissioner, the superintendent of the North Dakota highway patrol, the attorney for the North Dakota highway patrol, and two members of the North Dakota highway patrol, to be annually elected by the said patrol.

SECTION 4. ADMINISTRATIVE EXPENSES.) The expense of the administration of this Act, exclusive of the payment of retirement allowances and other benefits, shall be paid by the state of North Dakota, by appropriation out of the highway patrol fund, made on the basis of budgets submitted by the board.

SECTION 5. PAYMENTS INTO THE NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.) All appropriations made by

the state of North Dakota, all contributions by members of the North Dakota highway patrol, in the amount hereinafter specified, and all interest on the increase of the investments and moneys under this account shall be paid to the state treasurer, who shall credit said payments to the North Dakota highway patrolmen's retirement fund.

SECTION 6. RULES AND REGULATIONS: ACTUARIAL DATA.) The board shall, from time to time, establish such rules and regulations for the administration of this Act as may be deemed necessary. It shall cause to be made periodic actuarial investigations into the mortality and service experience of the contributors to and the beneficiaries of the fund, and shall adopt for the retirement system one or more mortality tables.

SECTION 7. MEMBERSHIP.) Every member of the North Dakota highway patrol, including the superintendent and assistant superintendent, shall be required to become a member of the retirement system established by this Act on July 1, 1949, and thereafter when first becoming a member of the North Dakota highway patrol. Contributions by members under this Act shall commence with the first payroll after July 1, 1949. If any person who becomes a member of the North Dakota highway patrol subsequent to July 1, 1949 shall have been at any time theretofore a member of the North Dakota highway patrol, he shall receive credit for any such service prior to July 1, 1949, upon complying with the provisions of this Act.

SECTION 8. SERVICE ALLOWANCE.) In computing the length of service of a contributor for retirement purposes, full credit shall be given to each contributor for each year of service rendered to the patrol including service rendered prior to July 1, 1949, upon complying with the provisions of the Act. As soon as practicable, the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to July 1, 1949. Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the contributor. The time during which a contributor is absent from service without pay shall not be counted in computing the service of a contributor unless approved by the board.

SECTION 9. PAYMENTS BY CONTRIBUTORS.) Every member shall be required to contribute into the fund a sum equal to three and one-half percent of his monthly salary which sum shall be deducted from his salary and credited to his account in the fund. Every member who has been in the employ of the North Dakota highway patrol prior to July 1, 1949, shall have the option and he may elect to make back payments to the date when he first entered the service of the North Dakota highway patrol. Such back payments may be spread over a period of three years by having the regular payroll deduction of the contributor increased in an amount equal to the total of

his back payments divided by thirty-six, which deduction increase shall be credited to such back payments owing and shall be continued until the full amount of such back payments shall have been completed. Any such deduction increase may be anticipated in part or in full by the contributor at any time and must be anticipated in full at the time of retirement before a retirement allowance is granted, and, if not so anticipated and paid in full, then a member's annuity shall be calculated on the total accumulated deductions standing to his credit in the fund and the state annuity shall be reduced in proportion to the reduction which occurs in the member's annuity due to the amount of back payments not so anticipated. Every contributor who shall elect to make such back payments shall receive full credit under this Act for all contributions made into the fund and for all service credits to which he might thereby be entitled, in the North Dakota highway patrol all payments by him and contributions to his credit from the fund shall cease.

SECTION 10. CONTRIBUTIONS BY THE STATE OF NORTH DAKOTA.) The state of North Dakota shall annually contribute to the fund a sum equal to the amount contributed by patrolmen to this fund from the driver's license fund.

SECTION 11. RETIREMENT.) Any member in service who has completed at least twenty-five years of creditable service may retire on a service retirement allowance upon written application to the board setting forth at what time, not less than thirty days nor more than ninety days subsequent to the filing thereof, he desires to be retired.

SECTION 12. VOLUNTARY RETIREMENT.) If a contributor has served twenty years of creditable service with the North Dakota highway patrol, he is hereby granted the option and privilege of retiring and, in such case, his retirement allowance shall be proportionately reduced on an actuarial basis.

SECTION 13. RETIREMENT ALLOWANCE.) Upon retirement from service a member shall receive a service retirement allowance which shall consist of the state annuity plus the member's annuity. The member's annuity shall be the actuarial equivalent of his aggregate contributions at the time of retirement and the state annuity shall be in an amount which, when added to the member's annuity will provide a total retirement allowance of one-half of his average salary.

SECTION 14. DISABILITY RETIREMENT ALLOWANCE.) In case of the total disability of a contributor, permanent in character, regardless of the length of service of the contributor, a disability retirement allowance shall be granted the contributor in an amount calculated on the actuarial equivalent of the member's annuity and the state annuity standing to his credit at the time of his disability retirement.

SECTION 15. INVOLUNTARY RETIREMENT ALLOWANCE.) Should a contributor be discontinued from service, not voluntarily,

after having completed ten years of total service, but before reaching retirement age, he shall, upon filing of application in the manner herein provided for retirement, be paid as he may elect as follows:

1. The full amount of accumulated deductions standing to his credit; or
2. A member's annuity of equivalent actuarial value to accumulated deductions standing to his credit, plus a state annuity having a value equal to the present value of state annuity then standing to his credit.

SECTION 16. COMPULSORY RETIREMENT ALLOWANCE.) Any member, regardless of his years of service, who has attained the age of sixty-five years, shall forthwith be retired. If he shall have served twenty-five years or more, he shall receive the full retirement allowance as provided herein. If he shall have served less than twenty-five years, he shall be entitled to the same options as provided in section 15 above.

SECTION 17. REFUNDS IN CASE OF RESIGNATION OR DISCHARGE.) Where a contributor resigns of his own volition, or is discharged for cause before becoming entitled to a retirement allowance, then one-half the accumulated deductions standing to his credit shall be paid to him.

SECTION 18. PAYMENTS UPON DEATH.) If the board shall find that a contributor died as a direct and proximate result of injury received in the course of his employment, a retirement allowance shall be paid to his widow so long as she remains his widow and, if and when such widow dies or remarries, then to his children under eighteen years of age, while they are under eighteen years of age, and, if and when there are no children under eighteen years of age, then to the member's parent or parents, if they are dependent. Such retirement allowance shall consist of:

1. A member's annuity, which shall be the actuarial equivalent of the contributor's accumulated deductions standing to his credit; and
2. A state annuity equal to fifty percent of the final salary of the contributor, less the amount which is paid to any such widow or children or dependent parent or parents under the workmen's compensation Act of the state of North Dakota, during the period such compensation is paid or payable.

SECTION 19. PAYMENTS IN CASE OF DEATH FROM NATURAL CAUSES.) If the beneficiary dies before receiving in payments the present value of his member's annuity and the state annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person having an insurable interest in his life as he shall nominate by written designation

duly acknowledged and filed with the board. If a member dies before reaching retirement age, his legal representatives or the person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board, shall be entitled to either of the two options as provided in section 15 above.

SECTION 20. MONTHLY PAYMENTS OF RETIREMENT ALLOWANCES.) The retirement allowances granted under the provisions of this Act shall be paid in equal monthly installments and shall not be increased, decreased, revoked or repealed unless by Act of the legislative assembly of the state of North Dakota.

SECTION 21. EXEMPTION FROM TAXES AND EXECUTIONS.) Any money received or to be paid as a member's annuity, state annuity or return of deductions or the right of any of these, shall be exempt from any state or municipal tax and from levy, sale, garnishment, attachment or any other process whatsoever and shall be unassignable.

SECTION 22. NOMINATION OF BENEFICIARY.) Every contributor shall have the authority to name his beneficiary by written designation duly acknowledged and filed with the board, and to change the beneficiary in like manner. Such designations and all changes must be filed with the board up until, but not after, the time of retirement.

SECTION 23. SERVICE IN THE ARMED FORCES OF THE UNITED STATES.) Any member of the North Dakota highway patrol now in or hereafter inducted into the armed forces of the United States, shall have the option:

1. To continue his payments into the fund; or
2. Allow the board to make his payments for him during such military service, in which event he shall repay the fund the full amount of such payments upon his return to the North Dakota highway patrol, and such repayments must be made within two years after his return to the patrol in the same manner as provided in section 9 of this Act, provided that a member's service in the armed forces of the United States shall be credited to and made a part of the member's service allowance.

SECTION 24. FRAUD: CORRECTION OF ERRORS.) No person shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system. Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct, then, on the discovery of such error, the board shall correct such error and shall adjust the payments

which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding one year, or both, in the discretion of the court.

SECTION 25. RESTRICTIONS UPON PAYMENTS.) If any beneficiary is convicted of a felony, the board shall have the authority to revoke or suspend for as long a time as it sees fit, disbursement of the state annuity. Where the illness or injuries causing a contributor to be retired or where the death of a contributor is directly and proximately caused by such contributor's immoral or intemperate conduct or gross negligence, the board shall have the authority to refuse, revoke, or suspend for as long a time as it sees fit, disbursement of the state annuity.

SECTION 26. SUBROGATION.) Where a third person is liable to the member or his dependents for injury or death, the state shall be subrogated to the right of the member or the dependents against such third person; but only to the extent of the state annuity payable under this Act by the state. Any recovery against such third person, in excess of the state annuity theretofore paid or thereafter to be paid by the state shall be paid forthwith to the contributor or the person designated by the contributor.

SECTION 27. PAYMENTS UNDER OTHER LAWS.) All payments provided for in this Act are in addition to any other benefits now or hereafter provided for under the workmen's compensation act of the state of North Dakota.

SECTION 28. CONSTITUTIONAL PROVISIONS.) The provisions of this Act are severable, and, if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included herein.

Approved February 28, 1949.

CHAPTER 240

House Bill No. 268
(Baeverstad and Einarson)

HIGHWAY PATROLMEN; APPOINTMENT; REMOVAL; DUTIES
AN ACT

To amend and reenact Section 39-0303 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to patrolmen: appointment; removal; duties.

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

SECTION 1. AMENDMENT.) That Section 39-0303 of the 1947 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 commissioner, may appoint not more than forty patrolmen who, together with the superintendent and assistant superintendent, shall constitute the division of highway safety and 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 commissioner, secretary of state and attorney general, of which the state highway commissioner shall be chairman. 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 state highway commissioner. If, upon the filing of such charges, the state highway commissioner 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 commissioner, 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 state highway commissioner 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 after July first, 1947, 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 commissioner. During such training period, such temporary appointee shall be subject to dismissal at the will of the superintendent.

Approved March 10, 1949.

CHAPTER 241

Senate Bill No. 198
(Committee on Transportation)

DEFINING 'DEALER', MOTOR VEHICLES

AN ACT

To amend and reenact sub-section 1, section 39-0401 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to definition of dealer.

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

SECTION 1. AMENDMENT.) That sub-section 1, section 39-0401 of the 1947 Supplement to the North Dakota Revised Code of 1943

be and the same is hereby amended and reenacted to read as follows:

1. "Dealer" shall mean every person, partnership or corporation engaged in the business of buying, selling or exchanging motor vehicles, and possessing a current dealer's license.

Approved March 19, 1949.

CHAPTER 242

House Bill No. 218
(Fleck and Murray)

REGISTRATION FEE, SALES AND USE TAX EXEMPTIONS CERTAIN DISABLED VETERANS

AN ACT

To amend and reenact chapter 272 of the Session Laws of 1947 providing for the exemption of certain disabled veterans from payment of registration fee for vehicle owned by such disabled veteran and exempting such veteran from the payment of sales and use tax on subsequently purchased automobile, and declaring an emergency.

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

SECTION 1. AMENDMENT.) That section 1 of chapter 272 of the 1947 session laws is hereby amended and reenacted to read as follows:

SECTION 1. REGISTRATION FEE FOR CERTAIN DISABLED VETERANS.) Any disabled veteran owning an automobile under the provisions of Public Law 663 of the 79th Congress of the United States shall have said vehicle and any one vehicle subsequently owned by him exempt from the payment of the registration fee provided for in chapter 39-04 of the North Dakota Revised Code of 1943, except that one dollar shall be charged for each set of such plates and registration on one motor vehicle owned and operated by him for his natural life. Motor vehicle as used in this section shall mean a passenger automobile or a pickup truck of not exceeding ten thousand pounds gross weight.

SECTION 2. EXEMPTION FROM USE AND SALES TAX.) Motor vehicle subsequently acquired by a disabled veteran as set forth in section 1 of this act shall be exempt from the payment of the state sales and or use tax and if payment is made by such veteran he shall be entitled to a refund of the amount so paid.

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 9, 1949.

CHAPTER 243

House Bill No. 203
(Brady and Fleck)

MOTOR VEHICLE DEALER LICENSE FEES;
ADDITIONAL NUMBER PLATES

AN ACT

To amend and reenact section 39-0459 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to motor vehicle dealer license fees; additional number plates; and requirements of an applicant for motor vehicle dealer license.

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

39-0459. MOTOR VEHICLE DEALER LICENSES; FEES; ADDITIONAL NUMBER PLATES.) A dealer in passenger automobiles and automobile trucks shall pay a license fee of twenty-five dollars (\$25.00) per year, which license shall allow the dealer to deal in new and used cars. Additional dealer's number plates shall be issued to the dealer upon payment of a fee of five dollars (\$5.00) per set. Such number plates may be used on any car owned by the dealer and used by him in the ordinary course of his business, but shall be used on used cars only when such cars are used for demonstration purposes. A motorcycle dealer shall pay a license fee of five dollars (\$5.00) for each set of motorcycle number plates issued to him. Application for such license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as said registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone until and unless the applicant shall furnish proof satisfactorily to the registrar of the fact that the applicant has an established place of business, and has facilities and equipment for the maintenance, servicing and repair of motor vehicles. An established place of business wher used in this act shall mean a permanent enclosed building or structure either owned in fee or leased, at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and not for the purpose of

evading this act. Said place of business shall not mean residences, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement. If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the registrar of motor vehicles permission to do so. He shall be required to furnish proof satisfactory to the registrar that the premises to which he proposes to remove conform to the requirements hereinbefore set forth.

Approved March 9, 1949.

CHAPTER 244

House Bill No. 204
(Fleck and Brady)

MOTOR VEHICLE DEALER BOND;
TITLE CERTIFICATE TO USED MOTOR VEHICLES FROM OTHER
STATES

AN ACT

Requiring a bond to be furnished by applicants for a license as a dealer in motor vehicles, conditioned upon compliance with the law by such applicant, and providing the manner of obtaining certificates of title by dealers to used vehicles originating from another state.

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

SECTION 1. BOND REQUIRED.) Before the issuance of a motor vehicle 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 \$3,000.00 and be conditioned upon the faithful compliance by said applicant as a dealer, if the license be issued to it or him, that such dealer will comply with all of the statutes of the state of North Dakota, including this Act, regulating or being applicable to the business of said dealer as a dealer in motor vehicles, and indemnifying any person dealing or transacting business with said dealer in connection with any motor vehicle from any loss or damage occasioned by the failure of such dealer to comply with any of the provisions of Title 39 of North Dakota Revised Code of 1943, as amended, including, but not limited to, the fur-

nishing of a proper and valid certificate of title to the motor vehicle involved in any such transaction, and that such bond shall be filed with the registrar of motor vehicles prior to the issuance of license provided by law. The aggregate liability of the surety to all persons, however, shall in no event exceed the amount of said bond.

SECTION 2. Every dealer in motor vehicles, before selling or conveying title to a used motor vehicle, the title of which originates from another state, or which does not have issued to it a certificate of title issued by the motor vehicle department of the state of North Dakota, shall secure a certificate of title to such vehicle from the department, and on the sale or conveyance of such motor vehicle, such dealer shall complete an assignment on such certificate to such purchaser or assignee. When application is made on such certificate, the dealer shall submit evidence of ownership to the department, sufficient to establish the ownership of such vehicle by the dealer. Such a title shall be designated a "dealer title" and payment of a license fee on such vehicle shall not be required until required by Section 39-0462, North Dakota Revised Code of 1943.

Approved March 11, 1949.

CHAPTER 245

Senate Bill No. 200
(Committee on Transportation)

MOTOR VEHICLE REGISTRATION CARD; ISSUANCE, ETC.

AN ACT

To amend and reenact section 39-0510 of the North Dakota Revised Code of 1943, relating to registration card; issuance, contents; signing of.

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

SECTION 1. AMENDMENT.) That section 39-0510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0510. REGISTRATION CARD; ISSUANCE; CONTENTS; SIGNING OF.) Upon registering a motor vehicle, the department shall issue to the applicant a registration card which shall set forth on its face:

1. The date issued;
2. The registration number assigned to the applicant and to the vehicle;
3. A description of the registered vehicle, including the engine and serial numbers;
4. The date of the sale by the manufacturer or dealer to the person first operating such vehicle;
5. A space for the signature of the applicant; and
6. Such other statements of fact as may be determined by the department.

Upon receiving a registration card, the applicant shall sign his usual signature or name with pen and ink in the space provided upon such card.

Approved March 8, 1949.

CHAPTER 246

Senate Bill No. 197
(Committee on Transportation)

REPEAL MOTOR VEHICLE REGISTRATION CARD ENDORSEMENT

AN ACT

Repealing Section 39-0515 of the North Dakota Revised Code of 1943 relating to registration card to be endorsed and sent to department upon transfer of vehicle; penalty.

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

SECTION 1. REPEAL.) Section 39-0515 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 3, 1949.

CHAPTER 247

Senate Bill No. 196
(Committee on Transportation)

MOTOR VEHICLE TRANSFER; CERTIFICATE ENDORSEMENT

AN ACT

To amend and reenact section 39-0517 of the North Dakota Revised Code of 1943, relating to transfer of title of vehicle; endorsement required; certificate of title delivered; new certificate obtained; penalty.

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

SECTION 1. AMENDMENT.) That section 39-0517 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0517. TRANSFER OF TITLE OF VEHICLE; ENDORSEMENT REQUIRED; CERTIFICATE OF TITLE DELIVERED; NEW CERTIFICATE OBTAINED; PENALTY.) The owner of a motor vehicle who sells or transfers his title to such vehicle shall endorse an assignment and warranty of title upon the certificate of title for such vehicle, with a statement of all liens or encumbrances thereon, which statement shall be verified under oath by the owner. The owner shall deliver the certificate of title as provided in section 39-0518. Under the terms of the contract for sale of the vehicle, if the legal title does not pass to the purchaser, the legal title owner shall endorse thereon the amount of his lien, the date thereof and the name of the purchaser, and shall send the certificate of title to the motor vehicle registrar with an application of the purchaser for a new certificate of title showing the name of the legal owner, the registered owner, the amount and date of the lien of the legal owner, which certificate of title when issued shall be returned by the motor vehicle registrar to the legal title owner, who shall retain the same in his possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied he shall deliver the certificate of title properly assigned to the purchaser. Except as is otherwise provided in section 39-0518, the purchaser or transferee thereupon shall present such endorsed and assigned certificate to the department, accompanied by a transfer fee of one dollar, and shall make an application for and obtain a new certificate of title for such vehicle. A violation of the provisions of this section shall constitute a misdemeanor.

Approved March 8, 1949.

CHAPTER 248

Senate Bill No. 203
(Committee on Transportation)

MOTOR VEHICLE TITLE CERTIFICATE ON RESALE BY DEALER

AN ACT

To amend and reenact section 39-0518 of the North Dakota Revised Code of 1943, relating to forwarding certificate of title to department not required when transferee is a dealer; exception.

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

SECTION 1. AMENDMENT.) That Section 39-0518 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0518. FORWARDING CERTIFICATE OF TITLE TO DEPARTMENT NOT REQUIRED WHEN TRANSFEREE IS DEALER: EXCEPTION.) When the transferee of a vehicle is a licensed dealer who holds the same for resale and operates the same only for purposes of demonstration, and such vehicle carries North Dakota title, such transferee shall not be required to forward the certificate of title to the department, as provided in Section 39-0517, but such transferee, upon transferring his title to another person, shall execute and acknowledge an assignment and warranty of title upon the certificate of title and send the same to the motor vehicle registrar together with an application of the person to whom transferred for a new title. A violation of the provisions of this section shall constitute a misdemeanor.

Approved March 19, 1949.

CHAPTER 249

Senate Bill No. 112
(Rue)

TRAFFIC CONTROL BY LOCAL ORDINANCE

AN ACT

To amend and reenact section 39-0704, Revised Code of North Dakota for 1943, defining the powers of local authorities to regulate and control traffic by ordinance.

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

SECTION 39-0704. POWERS OF LOCAL AUTHORITIES.) Except as expressly authorized by section 39-0903 and section 39-0703, local authorities may not alter any speed limitations declared in chapter 9 of this title, or enforce any rule or regulation contrary to the provisions of chapters 8 to 13 inclusive, of this title. Local authorities, under ordinance, shall have the power to:

1. Regulate traffic by means of traffic officers, semaphores, or other signaling devices on any portion of the highway where traffic is heavy or continuous;
2. Prohibit other than one-way traffic upon certain highways;
3. Regulate the use of the highways by processions or assemblages;
4. Regulate the speed of vehicles in public parks. Adequate signs giving notice of any such special speed limit that may be provided for shall be erected and placed in the entrances to all such parks; and
5. Regulate and control the use of public and private parking lots.

Approved March 8, 1949.

CHAPTER 250

Senate Bill No. 148

(Olson of Barnes, Stucke, Welander and Mehlhaff)

DRIVING MOTOR VEHICLE UNDER INFLUENCE OF INTOXICANT
OR NARCOTIC; PRESUMPTIONS; PENALTIES

AN ACT

To amend and reenact section 39-0801 of the North Dakota Revised Code of 1943, providing for punishment of any person driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs, establishing presumptions for the determination of what constitutes being under the influence of liquor.

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

SECTION 1. AMENDMENT.) Section 39-0801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0801. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS NOT TO OPERATE VEHICLE; DECLARING WHAT CONSTITUTES BEING UNDER THE INFLUENCE OF INTOXICATING LIQUOR: PENALTY.) No person shall drive any vehicle upon a highway in this state if:

1. He is an habitual user of narcotic drugs or is under the influence of a narcotic drug;
2. He is under the influence of intoxicating liquor;
 - a. If in any criminal prosecution for a violation of this subsection, there was at the time alleged as shown by chemical analysis;
 - (1). Five hundredths percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;
 - (2). Fifteen hundredths percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;
 - (3). In excess of five hundredths percent but less than fifteen hundredths percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

- b. The provisions of subdivision a of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor. No defendant shall be required to submit to any chemical test without his consent.

Any person violating any provision of this section shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Upon a second or subsequent offense, such person shall be punished by imprisonment for not less than ninety days nor more than one year, and, in the discretion of the court, a fine of not more than one thousand dollars.

Approved February 26, 1949.

CHAPTER 251

House Bill No. 324
(Graham and Stormon of Rolette)

RECKLESS DRIVING VEHICLE; PENALTY

AN ACT

To amend and reenact section 39-0803 of the North Dakota Revised Code of 1943 relating to reckless driving, defining aggravated reckless driving, and prescribing penalties.

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

SECTION 1. AMENDMENT.) That Section 39-0803 of the North Dakota Revised Code of 1943 be and the same is hereby amended and reenacted to read as follows:

SECTION 39-0803. RECKLESS DRIVING: PENALTY.) Any person shall be guilty of reckless driving if he drives a vehicle upon a highway:

1. Carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others;
2. Without due caution and circumspection; or
3. At a speed or in a manner to endanger or likely to endanger any person or the property of another.

Except as otherwise herein provided, any person violating the provisions of this section 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. Upon a second or a subsequent offense, such person shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment. Any person, however, violating the provisions of this section, who by reason of reckless driving as herein defined, causes and inflicts injury upon the person of another, shall be guilty of aggravated reckless driving, and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court.

Approved March 11, 1949.

CHAPTER 252

House Bill No. 40
(Langley)

REAR LAMPS, REFLECTORS, AND REFLECTING MATERIAL
FOR ALL VEHICLES

AN ACT

To amend and reenact section 39-1105 of the North Dakota Revised Code of 1943, relating to rear lamps, reflectors, and reflecting material on vehicles.

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

SECTION 1. AMENDMENT.) Section 39-1105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows.

39-1105. VEHICLES TO BE EQUIPPED WITH REAR LAMPS, REFLECTORS OR REFLECTING MATERIAL.) All vehicles, including animal drawn vehicles, implements of husbandry, and road machinery, not specifically required to be equipped with lamps, shall at the time specified in section 39-1101 be equipped with rear lamps, reflectors, or reflecting material. Such rear lamps, reflectors, or reflecting material shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within five hundred feet to fifty feet from the vehicle when directly in front of lawful upper beams of head lamps. Every motor vehicle shall carry at the rear a lamp of a type which has been approved by the registrar and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of five hundred feet to the rear of such vehicle.

Approved February 9, 1949.

CHAPTER 253

House Bill No. 50

(Legislative Research Committee)

(at the request of the State Highway Commissioner and the
Public Service Commissioner)

WHEN MOTOR VEHICLE CLEARANCE LAMPS REQUIRED

AN ACT

To amend and reenact section 39-1106 of the North Dakota Revised Code of 1943, relating to the clearance lamps required on certain motor vehicles.

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

SECTION 1. AMENDMENT.) Section 39-1106 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1106. CLEARANCE LAMPS; REQUIRED WHEN.) Every motor vehicle other than any road roller, road machinery, or farm tractor, having a width at any part in excess of eighty inches shall carry two clearance lamps on the left side of such vehicle, one located at the front, and displaying an amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, and the other located at the rear of the vehicle, and displaying a red light visible under like conditions from a distance of five hundred feet to the rear of the vehicle.

Approved February 9, 1949.

CHAPTER 254

House Bill No. 307

(Simenson, Siverson, Holand, Leet, Nygaard, Baeeverstad)

UNIFORM HIGHWAY TRAFFIC SIGNS

AN ACT

To amend and reenact Sections 39-1301 and 39-1302 of the North Dakota Revised Code of 1943, relating to traffic signs.

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

SECTION 1. AMENDMENT.) Section 39-1301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1301. UNIFORM MARKING AND ERECTION OF SIGNS ON HIGHWAY.) The commissioner may classify, designate, and mark both intrastate and interstate highways lying within the boundaries of this state and which are under the jurisdiction of the state highway department to provide a uniform system of marking and posting such highways. Such systems of marking and posting shall correlate with, and, as far as possible, shall conform to, the system adopted in other states. Any dead end highway or highway which turns abruptly where there is no road or highway continuing straight ahead, shall be marked by placing three hundred fifty feet from the dead end or turn, and at the dead end or turn suitable signs so constructed as to be luminous by efficient reflecting elements.

SECTION 2. AMENDMENT.) Section 39-1302 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1302. LOCAL TRAFFIC SIGNS.) Local authorities in their respective jurisdictions may cause appropriate signs to be erected and maintained, designating residence and business districts, highway and grade crossings, and such other signs as may be deemed necessary to carry out the provisions of this chapter, and such additional signs as may be appropriated to give notice of local parking and other special regulations. Any county road maintained by expenditures from the county road fund shall be marked at dead ends by placing three hundred fifty feet from the dead end, and at the dead end, suitable signs so constructed as to be luminous by efficient reflecting elements. A dead end road shall be considered as a road which turns abruptly and where there is no road continuing straight ahead.

Approved March 10, 1949.

CHAPTER 255

Senate Bill No. 192
(Duffy)

SUSPENSION DRIVERS LICENSE; SECURITY DEPOSIT

AN ACT

To amend and reenact section 39-1605 of the 1947 Supplement to the North Dakota Revised Code of 1943, providing for the suspension of operators licenses when involved in accidents unless security is deposited, authorizing the highway commissioner to grant additional time.

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

SECTION 1. AMENDMENT.) Section 39-1605 of the 1947 Supplement to the North Dakota Revised Code of 1943, be amended and reenacted to read as follows:

39-1605. SUSPENSION OF LICENSE. WHEN; WHEN NOT APPLICABLE.) The commissioner, within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of one hundred dollars, shall suspend the license of each driver and owner of each vehicle in any manner involved in such accident, and if such driver or owner is a non-resident the privilege of operating a motor vehicle within this state unless such driver or owner shall deposit security as provided in sections 9 and 10 of this act in a sum which shall be sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such driver or owner; provided notice of such suspension shall be sent by the commissioner to such driver and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security. The commissioner may, however, stay, on application, the suspension of license provided herein, for an additional period of not to exceed four months when an immediate suspension would result in hardship, or the facts presented to the commissioner indicate a doubt as to the liability of the party. This section shall not apply under the conditions stated in Section 6 of this act or to any of the following:

1. To such driver or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident, affording substantially the same coverage as is

required for proof of financial responsibility under this chapter ;

2. To such driver, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicle, affording substantially the same coverage as required for proof of financial responsibility under this chapter ;
3. To such driver or owner if the liability of such driver or owner if the liability of such driver or owner for damages resulting from such accident, is, in the judgment of the commissioner, covered by any other form of liability insurance policy or bond ; or
4. To the driver or owner of any motor vehicle if such owner is at the time of such accident qualified as a self-insurer under section 32 of this act.

No such policy or bond shall be effective under this section unless by an insurance carrier or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance carrier or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the commissioner to accept service, on its behalf, of notice or process in any action upon such policy or bond arising out of such accident ; provided, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property to a limit of not less than one thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of notice of such accident, the insurance carrier or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such accident.

Approved March 8, 1949.

MUNICIPAL GOVERNMENT

CHAPTER 256

Senate Bill No. 10
(Legislative Research Committee
at the request of the League of North Dakota Municipalities)

CLAIMS AGAINST MUNICIPALITIES

AN ACT

To amend and reenact sections 40-0112, 40-1606 and 54-1406 of the North Dakota Revised Code of 1943, relating to claims against municipalities and prescribing penalties.

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

SECTION 1. AMENDMENT.) Section 40-0112 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0112. CLAIMS AND ACCOUNTS AGAINST MUNICIPALITIES AUDITED.) No account or claim against a municipality to be paid from any fund, including a municipal utilities fund, shall be allowed by the governing body thereof unless the claim is made out in full and is both itemized and certified in the form prescribed in section 54-1404. The governing body, in its discretion, may require the filing of any additional information which it may deem necessary to the proper understanding and audit of any claim or account and it may require the filing of a sworn statement in such form as it may prescribe. Every account which is allowed by the governing body shall be shown in the minutes of the proceedings of the governing body or reference thereto shall be made in such proceedings to such accounts or claims on file with the city auditor and approved by the proper officials of the municipality.

SECTION 2. AMENDMENT.) Section 40-1606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-1606. CLAIMS AND DEMANDS AGAINST CITY FILED WITH AUDITOR; DUTY OF AUDITOR.) All claims and demands against a city, whether founded on contract or otherwise, and to be paid from any fund including a municipal utilities fund, shall be filed with the city auditor. He shall examine each claim filed and determine whether or not it is properly itemized and certified in the form prescribed in section 54-1404. If a claim is filed on

a contract, he shall determine whether or not the items charged are correct and were incurred by proper authority. The auditor shall endorse his approval upon any claim which he finds to be correct. If he disapproves any claim in whole or in part, he shall report his reasons therefor to the governing body. He shall report all evidence taken by him in connection with any claim. No claim shall be considered by the governing body until it shall have been examined and reported upon by the auditor and audited and adjusted by the proper committee or member of the governing body.

SECTION 3. AMENDMENT.) Section 54-1406 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1406. PENALTY FOR CERTIFYING FALSE CLAIM.) Any person, firm, or company falsely certifying, or certifying to any false bill, claim, account, or demand against the state or any political subdivision therein, is guilty of a misdemeanor and shall forfeit his right to collect such bill, claim, account, or demand, or any part thereof.

Approved February 25, 1949.

CHAPTER 257

Senate Bill No. 23

(Legislative Research Committee

at the request of the League of North Dakota Municipalities)

MUNICIPAL PARKING LOTS AND MOTOR VEHICLE FACILITIES

AN ACT

To amend and reenact subsection 8 of section 40-0501 of the North Dakota Revised Code of 1943, relating to powers of municipalities.

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

SECTION 1. AMENDMENT.) Subsection 8 of section 40-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0501. POWERS OF ALL MUNICIPALITIES.)

8. STREETS, SIDEWALKS, AND PUBLIC GROUNDS.)

To lay out, establish, open, alter, repair, clean, widen, vacate, grade, pave, park, or otherwise improve and regulate the use of streets, alleys, avenues, sidewalks, cross-

ings, and public grounds, and to acquire, construct, maintain and operate parking lots and facilities for motor vehicles; to regulate or prevent any practice having a tendency to annoy persons frequenting the same; and to prevent and regulate obstructions and encroachments upon the same.

Approved February 26, 1949.

CHAPTER 258

House Bill No. 95
(Allen)

MUNICIPAL FLOOD CONTROL PROJECTS

AN ACT

Creating subsection 68 of section 40-0501 of the North Dakota Revised Code of 1943, relating to powers of municipalities and authorizing municipal governing bodies to acquire, construct, maintain, operate, control, and finance flood control projects, both within and adjacent to such municipalities, acquire the necessary real estate and easements therefor by purchase and eminent domain, and to adopt ordinances regulating the same.

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

SECTION 1.) Subsection 68 of section 40-0501 of the North Dakota Revised Code of 1943, is hereby created to read as follows:

40-0501. POWERS OF ALL MUNICIPALITIES.)

68. To acquire, construct, maintain, operate, finance and control flood control projects, both within and adjacent to such municipality, and for such purpose to acquire the necessary real property and easements therefor by purchase and eminent domain, and to adopt such ordinances as may reasonably be required to regulate the same.

Approved February 9, 1949.

CHAPTER 259

House Bill No. 191
(Sellens, Fleck and Murray)

MUNICIPAL PUBLIC RESTROOMS AND FACILITIES

AN ACT

Creating subsection 69 of Section 40-0501 of the North Dakota Revised Code of 1943, relating to powers of municipalities and authorizing municipal governing bodies to acquire, construct, maintain, operate, finance and control public rest rooms and facilities, acquire the necessary real estate therefor by purchase and eminent domain, and to adopt ordinances regulating the same.

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

SECTION 1.) Subsection 69 of Section 40-0501 of the North Dakota Revised Code of 1943, is hereby created to read as follows:

40-0401. POWERS OF ALL MUNICIPALITIES.)

69. To acquire, construct, maintain, operate, finance and control public rest rooms and facilities within such municipality, and for such purpose to acquire the necessary real property therefor by purchase and eminent domain, and to adopt such ordinances as may reasonably be required to regulate the same.

Approved March 9, 1949.

CHAPTER 260

House Bill No. 30
(Langley)

VILLAGE FINES AND PENALTIES; LIMITATION; ETC.

AN ACT

To amend and reenact section 40-0507 of the North Dakota Revised Code of 1943, relating to fines and penalties for violation of village by-laws or ordinances.

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

SECTION 1. AMENDMENT.) Section 40-0507 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0507. VILLAGE FINES AND PENALTIES LIMITED; REMISSION.) The fine or penalty for the violation of a village by-law or ordinance shall not exceed fifty dollars and the costs of prosecution, and the imprisonment shall not exceed five days for any one offense. The justice of the peace of a village may suspend the whole or any part of a fine, penalty, or forfeiture, or of costs assessed for any such violation and may suspend any sentence imposed during the good behavior of the person sentenced or for other reasonable cause.

Approved February 8, 1949.

CHAPTER 261

Senate Bill No. 11

(Legislative Research Committee

at the request of the League of North Dakota Municipalities)

DISBURSEMENT OF CITY FUNDS; SINGLE PAYROLL ORDER

AN ACT

To amend and reenact section 40-1706 of the North Dakota Revised Code of 1943, relating to the disbursement of city funds and permitting the issuance of payroll checks by the city treasurer upon a single order from the governing board.

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

SECTION 1. AMENDMENT.) Section 40-1706 of 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. 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.

Approved February 25, 1949.

CHAPTER 262

Senate Bill No. 12
(Legislative Research Committee
at the request of the League of North Dakota Municipalities)

APPOINTMENT ASSISTANT CITY ATTORNEY; PAYMENT SPECIAL COUNSEL

AN ACT

To amend and reenact section 40-2002 of the North Dakota Revised Code of 1943, relating to assistant city attorneys.

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

SECTION 1. AMENDMENT.) Section 40-2002 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2002. ASSISTANT CITY ATTORNEY: APPOINTMENT: SPECIAL COUNSEL AUTHORIZED.) With the consent and approval of the governing body of the city, the city attorney may appoint assistants to do any or all of the acts which the city attorney is required to do under this chapter, but the city attorney shall be responsible to the city for the acts of such assistants. The governing body of the city, however, may employ and pay special counsel when it deems such counsel to be necessary for the best interests of the city.

Approved February 25, 1949.

CHAPTER 263

Senate Bill No. 13
(Legislative Research Committee
at the request of the League of North Dakota Municipalities)

ELECTION HOURS IN COUNCIL CITIES

AN ACT

To amend and reenact section 40-2103 of the North Dakota Revised Code of 1943, relating to elections in council cities.

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

SECTION 1. AMENDMENT.) Section 40-2103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2103. ELECTIONS IN COUNCIL CITIES: POLLING PLACES; POLLS OPEN; NOTICE.) Biennial municipal elections in cities operating under the council form of government shall be held on the first Monday in April in each even numbered year at such place or places as the city council shall designate. In cities where aldermen are elected at large, the council shall designate one polling place only. The polls shall be kept open continually from nine o'clock a. m. to seven o'clock p. m. Ten day's notice of the time and place of holding each election and of the offices to be filled thereat shall be given by the city auditor by publication in at least two newspapers published in said city if two are published therein. Publication in one such newspaper shall be sufficient if only one newspaper is published in the city.

Approved February 25, 1949.

CHAPTER 264

Senate Bill No. 14
 (Legislative Research Committee
 at the request of the League of North Dakota Municipalities)

COMPENSATION MUNICIPAL ELECTION OFFICERS

AN ACT

To amend and reenact section 40-2105 of the North Dakota Revised Code of 1943, relating to compensation of inspectors, judges and clerks at municipal elections.

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

SECTION 1. AMENDMENT.) Section 40-2105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2105. COMPENSATION OF INSPECTORS, JUDGES, AND CLERKS AT MUNICIPAL ELECTIONS.) Each inspector, judge, or clerk of any regular or special municipal election, for services performed at such election, shall receive as compensation therefor the sum of six dollars. When the number of votes cast at such election exceeds one hundred, such officers shall receive one dollar for each additional one hundred votes cast or major fraction thereof.

Approved February 25, 1949.

CHAPTER 265

House Bill No. 12
 (Legislative Research Committee)
 (at the request of The League of North Dakota Municipalities)

RESIDENTIAL AREA PAVING PROJECTS; STANDARD WIDTH OF PAVING; PAYMENT EXCESS WIDTH; PROTESTS; SPECIAL ASSESSMENT PROCEDURE GOVERNS

AN ACT

Defining residential property, block of pavement, residential block, and residential paving project, providing for the establishment of standard width of paving, permitting cities to pay cost of excess width of paving, providing for protests to bar improvements, providing the special assessment procedure to be followed, and declaring an emergency.

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

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

1. "Residential property" shall mean and include property actually used for residential purposes, all schools, churches, apartments, and the yards appurtenant thereto, vacant or unoccupied lots, and all other lots not actually used for or occupied by business or commercial structures or businesses;
2. "Block of pavement" shall mean the length of any street between two intersecting streets;
3. "Residential block" shall mean any block in which sixty percent or more of the property abutting the street shall be residential property, such percentage to be computed by dividing the total front feet of residential property on both sides of the street by the total front feet of both sides of the street in said block; and
4. "Residential paving project" shall mean any paving project involving the pavement of any street or streets when seventy-five percent or more of the block of paving therein shall be residential block.

SECTION 2. ESTABLISHMENT OF STANDARD WIDTH OF PAVING.) The governing body of any city may, by ordinance, establish a standard width of paving for residential areas which standard width shall not be less than twenty-four feet, and shall be uniform throughout the entire city, and said ordinance may be amended or repealed in the same manner as other ordinances of the city.

SECTION 3. CITY TO PAY COST OF EXCESS WIDTH OF PAVING.) When any city has, by ordinance, established a standard width of paving for residential areas, the city as a whole, by action of its governing body, may pay not to exceed twenty percent of the cost of paving, and if because of heavy traffice upon such street or for other valid reason, the governing body determines that the paving to be included in any residential paving project should be of greater width than the established standard width, the entire cost of such excess width shall be born by the city as a whole. The cost of such excess width shall be deemed to be that proportion of the entire cost which the excess width bears to the entire width of the paving.

SECTION 4. PROTESTS TO BAR IMPROVEMENTS.) If the city's total share of the costs equals or exceeds fifty percent of the entire cost of the project, the governing body may initiate, carry out, and construct the project, and special assessments may be levied against the benefited property in the manner provided by law, unless within thirty days after the first publicaton of the resolution declaring the work to be necessary, the owners of seventy-five percent or more, by area, of the property liable to be specially assessed for the improvement, shall file written protest against said improvement with the city auditor.

SECTION 5. SPECIAL ASSESSMENT PROCEDURE TO BE FOLLOWED.) The procedure set forth by chapters 40-22, 40-23, 40-24, 40-25, 40-26, 40-27 and 40-28 of the North Dakota Revised Code of 1943 shall be followed in all proceedings for the initiating, advertising, and contracting for paving improvements under the provisions of this chapter, for levying special assessments against benefited property, and for paving the city's share of such special assessments.

SECTION 6. EMERGENCY.) This action 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 11, 1949.

CHAPTER 266

House Bill No. 154
(Graham and Fitch)

CITY CONTRACTS FOR CONSTRUCTION OF IMPROVEMENTS, ETC.; LEGALIZING AND VALIDATING

AN ACT

Legalizig and validating contracts by cities for the construction of improvements and the sale of special improvement warrants to finance the costs thereof, notwithstanding omission of cash basis provision in call for bids or omission of notice of meeting for considering and acting upon bids, and declaring an emergency.

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

SECTION 1. VALIDATION.) In all cases where any city, in accordance with the provisions of chapter 40-22 of the North Dakota Revised Code of 1943, has by resolution or ordinance, within a period of not less than two years prior to the effective date of this act created more than fifteen improvement districts, has advertised for bids and awarded a contract for the construction of an improvement in each of such districts, and has contracted for the sale of warrants payable from the special improvement funds of said districts for the purpose of paying costs of said improvements, such proceedings and the contracts based thereon for the construction of said improvements and the sale of said warrants are hereby legalized and declared valid notwithstanding the omission, in the advertisement for bids for any of said improvements, of an express statement calling for bids on the basis of cash payment for the work and notwithstanding failure to cause notice to be published of the time and place of meeting for considering and acting

on bids for any of said improvements, where notice of advertisement for such bids has been duly published, showing the time and place of opening the same; and such cities are authorized to issue and deliver special improvement warrants in accordance with said proceedings, and said warrants when so issued and delivered shall be valid obligations according to their terms.

SECTION 2. EMERGENCY.) That 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, 1949.

CHAPTER 267

House Bill No. 11

(Legislative Research Committee)

(at the request of The League of North Dakota Municipalities)

MUNICIPAL IMPROVEMENTS BY SPECIAL ASSESSMENTS; CREATING AND REGULATING IMPROVEMENT DISTRICTS

AN ACT

To amend and reenact section 40-2201 of the 1947 Supplement to the North Dakota Revised Code of 1943 and sections 40-2208 and 40-2209 of the North Dakota Revised Code of 1943, relating to defraying expense of improvements by special assessments, creation of improvement districts, size and form thereof, and regulations governing the same.

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

SECTION 1. AMENDMENT.) Section 40-2201 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2201. POWER OF MUNICIPALITIES TO DEFRAY EXPENSE OF IMPROVEMENTS BY SPECIAL ASSESSMENTS.) Any municipality, upon complying with the provisions of this chapter, may defray the expense of any or all of the following improvements by special assessments:

1. The construction of a waterworks system, including the construction and erection of pumping stations, settling basins, filtration plants, standpipes, water towers, reservoirs, and other contrivances and structures necessary for a complete waterworks system;
2. The construction of a sewer system, including the construction and erection of all contrivances, appurtenances and structures, and the laying of all mains and pipes

- necessary for a complete sewer system and the construction, relaying, replacement, or repair thereof;
3. The laying, extending, enlarging, relaying, replacing, reconstructing, or repairing of water mains and all the contrivances and appurtenances thereto;
 4. The grading, graveling, paving, repaving, hard surfacing, resurfacing, resealing, repairing, and curbing of any street, highway, avenue, alley, or public place within the municipality;
 5. The construction of gutters upon any street, highway, avenue, alley or public place within the municipality;
 6. The planting of trees, the construction of grass plots and the sowing of grass seed therein, and the maintenance and preservation of such improvements by the watering of such trees and grass, the cutting of such grass, and the trimming of such trees, or otherwise in any manner which may appear necessary and proper to the governing body of the municipality;
 7. The acquiring of the necessary land and the construction of the necessary works for flood protection; and
 8. The acquiring of the necessary property and the construction of parking lots and facilities for motor vehicles.

SECTION 2. AMENDMENT.) Section 40-2208 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2208. IMPROVEMENT DISTRICT TO BE CREATED.) For the purpose of making improvements specified in this chapter and defraying the cost thereof by special assessments, a municipality shall create sewer districts, flood protection districts, paving districts, watermain districts, waterworks districts, parking lot districts, or districts for the purpose of grading, graveling, or curbing streets, for the purpose of constructing gutters, or for the purpose of planting trees, constructing grass plots, or sowing grass seed or for any two or more of such purposes, and may extend any such districts when necessary. Any municipality which shall finance the making of any of the improvements specified in this chapter through special assessments shall create the appropriate special improvement district or districts by ordinance or resolution. The district shall be designated by the name of the improvement for the making of which it is created, and districts created for the same kind of improvement shall be numbered consecutively.

SECTION 3. AMENDMENT.) Section 40-2209 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2209. SIZE AND FORM OF IMPROVEMENT DISTRICTS; REGULATIONS GOVERNING.) Improvement districts created by a municipality may embrace two or more separate property areas, each or all of which may be of the following size and form:

1. A sewer district or flood protection district shall be of such size and form as the governing body, after consultation with the engineer for the municipality or with another competent engineer, shall decide is most practicable for the drainage of the portion or portions of the municipality included in the district as established by the governing body;
2. A paving district shall be of such size and form as the governing body, after consultation with the engineer for the municipality or with another competent engineer, shall decide is to be benefited by the construction or reconstruction of paving therein;
3. Watermain districts, waterworks districts, and districts for the purpose of grading, graveling, curbing, planting trees, constructing grass plots, sowing grass seed, and constructing gutters shall be of such size and number as the governing body shall decide most practicable after consultation with the engineer for the municipality or other competent engineer; and
4. Parking lot districts shall be of such size and form as the governing body of the municipality shall decide, including such property as in the opinion of such governing body, is specially benefited thereby.

Approved February 8, 1949.

CHAPTER 268

House Bill No. 10

(Legislative Research Committee
at the request of The League of North Dakota Municipalities)

SPECIAL IMPROVEMENTS IN MUNICIPALITIES

AN ACT

To amend and reenact sections 40-2212, 40-2215, 40-2219, 40-2225 and 40-2226 of the North Dakota Revised Code of 1943, relating to plans and specifications and estimates for special improvements, call for bids, contents, and advertising for special improvements, opening of bids for same, and petition by property owners for different kinds of paving materials in municipalities.

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

SECTION 1. AMENDMENT.) Section 40-2212 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2212. REQUIREMENTS OF PLANS, SPECIFICATIONS, AND ESTIMATES WHEN IMPROVEMENT IS PAVING OR BEAUTIFICATION OF STREETS.) If an improvement to be financed by special assessments consists in paving or repaving any street, alley, or public place, the governing body of the municipality may require the plans, specifications, and estimates for the improvement to be made for one kind of pavement or several different kinds of pavement as it may deem advisable. If the contemplated improvement consists of planting trees, constructing grass plots, sowing grass seed thereon, or otherwise parking or beautifying any of the streets, highways, avenues, alleys, lanes, or other public grounds within the municipal limits, the governing body may require the plans, specifications, and estimates to show the probable costs of making, constructing, or maintaining such improvements or any of them.

SECTION 2. AMENDMENT.) Section 40-2215 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2215. RESOLUTION DECLARING IMPROVEMENTS NECESSARY: EXCEPTION FOR SEWER AND WATER MAINS: CONTENTS OF RESOLUTION.) After the plans, specifications, and estimates for an improvement have been filed and approved, the governing body of the municipality, by resolution, shall declare that it is necessary to make the improvements described therein. Such resolution shall not be required, however, if the improvement consists of

the construction or alteration of sewer or water mains, unless it is determined that the cost thereof shall be paid in part as is provided in section 40-2216. The resolution shall refer intelligibly to the plans, specifications, and estimates, and shall be published once each week for two consecutive weeks in the official newspaper of the municipality.

SECTION 3. AMENDMENT.) Section 40-2219 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2219. CALL FOR BIDS: CONTENTS: ADVERTISING.) Proposals for the work of making improvements provided for in this chapter shall be advertised for by the governing body in the official newspaper of the municipality once each week for two consecutive weeks. The advertisement for bids may be published at the same time as the resolution of necessity and shall:

1. Specify the work to be done according to the plans and specifications on file in the office of the city auditor or village clerk, as the case may be;
2. Call for bids upon the basis of cash payment for the work;
3. Describe the several kinds of paving material if the governing body shall have required plans, specifications and estimates for the improvement to be made for more than one kind of pavement;
4. State the time within which the bids will be received; and
5. State the time within which the work on the improvement is to be completed.

The governing body may require bidders to state also the rate of interest, not exceeding seven percent per annum, which the warrants to be received and accepted by the bidder at par in payment for the work shall bear.

SECTION 4. AMENDMENT.) Section 40-2225 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2225. OPENING OF BIDS: BIDS TO BE ENTERED ON MINUTES: FINAL ACTION ON BIDS TO BE DEFERRED.) After the bids have been opened and made public, they shall be entered upon the minutes of the meeting of the governing body of the municipality at which they are considered, and they shall be preserved carefully by the city auditor or village clerk, as the case may be. If the governing body has called for bids on more than one kind of pavement, action on the bids shall be deferred for a period of at least five days, and not less than five days after the opening of the

bids, a meeting of the governing body shall be held for the purpose of considering and acting upon such bids. Notice of the time and place of such meeting shall be published by the city auditor or village clerk, as the case may be, in at least one issue of the official newspaper of the municipality not less than five days before the date fixed for such meeting.

SECTION 5. AMENDMENT.) Section 40-2226 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2226. PETITION BY PROPERTY OWNERS TO HAVE PAVING OF CERTAIN MATERIAL: CONTENTS.) If the governing body has called for bids on more than one kind of pavement, after the opening of the bids in connection with an improvement consisting of paving or repaving and before the meeting of the governing body to consider the same, the owners of a majority of the property liable to be specially assessed for such paving or repaving may file a written petition with the city auditor or village clerk, as the case may be, indicating that the petitioners have a preference for a certain type of paving or paving material for which bids have been invited. Upon receiving such petition, it shall be obligatory upon the governing body to cause the paving or repaving to be constructed of a kind of paving material indicated in the petition. The petition may consist of a single petition or several separate petitions signed by the owners of a majority of the property liable to be specially assessed for such improvement, or by their authorized agents.

Approved March 8, 1949.

CHAPTER 269

Senate Bill No. 215

(Rue by request)

SPECIAL IMPROVEMENTS, LEVY OF ASSESSMENTS TO PAY
COST

AN ACT

Amending and reenacting Section 40-2305 of the North Dakota Revised Code of 1943, relating to the levy of assessments to pay the cost of special improvements, to define the items of cost to be assessed and permit such assessment prior to completion of the work, and declaring an emergency.

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

SECTION 1. AMENDMENT.) That Section 40-2305 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

40-2305. NOTICE TO SPECIAL ASSESSMENT COMMISSION.) At any time after the contract and bond for any work for which a special assessment is required have been executed and approved by the governing body of the municipality and the total cost of such work shall have been estimated as nearly as practicable, the governing body may direct assessments to be levied for the payment of all or any part of such cost, and the city auditor or village clerk, as the case may be, shall notify the chairman of the special assessment commission and shall certify to him the items of the total cost thereof so far as the same have been ascertained. The chairman immediately shall call a meeting of the commission, which shall proceed as expeditiously as possible to make and return the special assessment as provided in this chapter. The total cost of the improvement which may be certified to the assessment commission shall include the estimated construction cost under the terms of the contract, a reasonable allowance as determined by the governing body for cost of extra work which may be authorized under the plans and specifications, engineering, fiscal agents' and attorneys' fees for any services in connection with the authorization and financing of the improvement, cost of publication of required notices and printing of improvement warrants, and all expenses incurred in the making of the improvement and levy of assessments therefor. In the event that any error is made in estimating the cost, the governing body may direct a supplemental assessment to be made as provided in section 40-2602.

SECTION 2.) That this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 8, 1949.

CHAPTER 270

Senate Bill No. 22

(Legislative Research Committee)

(at the request of the League of North Dakota Municipalities)

ASSESSMENT OF COSTS OF WORK DONE BY MUNICIPALITIES
FOR GENERAL WELFARE

AN ACT

To provide for the assessment of costs of work done by municipalities necessary for the general welfare.

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

SECTION 1. ASSESSMENT OF COSTS OF WORK DONE NECESSARY FOR THE GENERAL WELFARE.) Whenever it becomes necessary for the general welfare, public health, fire protection, or public safety to order an owner or occupant of property to do certain work provided for by ordinance, and such owner or occupant refuses to conduct or comply with such order, the work may be done by the municipality and the owner or occupant of such property billed for the same by the municipality. If such bill is not paid when due, the amount thereof may be assessed against the premises on which such work is done and collected and returned in the same manner as other municipal taxes are assessed, certified, collected, and returned.

SECTION 2.) This act shall not be construed to limit or affect in any manner any methods which now or in the future may be used for the collection of costs incurred by the municipality for the purposes set forth in section 1 hereof, but the remedies provided for herein shall be in addition to such methods.

Approved February 26, 1949.

CHAPTER 271

Senate Bill No. 27

(Legislative Research Committee)

(at the request of the Bank of North Dakota)

PAYMENT OF PART OF MUNICIPAL IMPROVEMENT COST BY
GENERAL ASSESSMENT

AN ACT

To amend and reenact section 40-2410 of the North Dakota Revised Code of 1943, relating to payment of part of cost of improvement by municipalities through general taxation, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 40-2410 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2410. ONE-FIFTH OF COST OF IMPROVEMENT MAY BE PAID BY GENERAL ASSESSMENT WITHIN CONSTITUTIONAL DEBT LIMIT.) Any municipality, at the option of its governing body, may provide for the payment by general taxation of all the taxable property in the municipality of not more than one-fifth of the cost of any improvement financed by the levying of special assessments other than the opening and widening of streets or the laying of sewer or water connections from the main to the curb line. Any amount which the municipality shall determine to pay by general assessment shall be considered as a part of the debt of the municipality and shall not be valid unless such amount is within the constitutional debt limit of such municipality, computed on the portion of the last equalized value of property to which the mill rate of general property taxes is applied. No municipality having a board of budget review shall incur such debt or hold any election to increase its limit of indebtedness to carry such debt until after compliance with the provisions of sections 40-4106 and 40-4107, the same as for bond issues. Any incorporated city, by a two-thirds vote of the qualified voters thereof voting upon the question at a general or special election, may increase its limit of indebtedness three per centum on the assessed valuation of taxable property in such city beyond five per centum of the valuation thereof, and by a majority vote, in like manner, may increase its limit of indebtedness four per centum of such valuation without regard to the existing indebtedness of such city for the purpose of constructing or purchasing waterworks for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, provided that such increase or in-

creases must be duly voted before the levy of any general taxes exceeding the existing debt limit may be made to pay part of the cost of any such improvement. In making any contract with reference to any special improvement, the governing body may take into consideration such portion of the cost of the improvement as will be paid by general assessment, and may make appropriations and levy taxes and assessments therefor in annual installments extending over the same period of time as is provided in the special assessments for such improvement. The appropriation may be made at such time as occasion may require and shall be included in the municipality's first annual tax levy thereafter. The appropriation and levy, whether it is made as a part of the regular annual appropriation ordinance or otherwise, shall state the specific improvement for which the assessment is made and the tax levied, the amount thereof, and the district in which the improvement is made. The amount of such assessment and the moneys collected thereon shall become a part of the district fund upon which the warrants issued in payment for the improvement are to be drawn.

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

Approved February 26, 1949.

CHAPTER 272

House Bill No. 347
(Baker, by Request)

MUNICIPAL WATER TREATMENT PLANTS

AN ACT

Authorizing and relating to contracts by cities for the purchase and installation of water treatment plants and the financing thereof out of the net earnings of such plants, and declaring an emergency.

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

SECTION 1.) Any city owning and operating a system of waterworks supplying water for municipal purposes and to its inhabitants and industries may enter into a contract in the manner hereinafter set forth, with any person, firm, or public or private corporation able and willing to perform such contract, for the purchase and installation of a plant for the treatment of such

water supply by the removal of minerals, gases, and other impurities therefrom, including, but without limiting the generality hereof, the construction of reservoirs or settling basins and furnishing of machinery and equipment for such purpose, the construction of buildings necessary to house the same, and any modifications, improvements, and additional mains necessary to connect such plant with the existing water supply system.

SECTION 2.) Any such contract shall be authorized by resolution or resolutions duly adopted by the governing body of the city. Such resolutions and contract shall provide that the cost of the plant shall be paid solely out of the net revenue thereof, to be derived from special rates and charges imposed and collected for the service thereof to users of the municipal waterworks system, after payment of the reasonable and current expenses of operation and maintenance of such plant. The governing body may provide for the payment of such cost by the issuance of revenue bonds in accordance with the provisions of chapter 40-35 of the North Dakota Revised Code of 1943, as amended, which bonds may be sold as provided in said chapter or may be delivered to the contractor in payment of the contract price, or it may be provided in said resolutions and contract that such price shall be payable in stated installments over a period not exceeding ten years, with interest at a rate not exceeding five percent per annum, payable annually or semiannually. Said payments may be evidenced by certificates executed by the executive and recording officers and sealed with the corporate seal of the city, and such certificates may have interest coupons attached.

SECTION 3.) In and by such resolutions and contract the city may bind itself to establish and maintain special rates and charges for the service of said plant, over and above its regular water rates, sufficient to produce net revenues adequate to make all payments of principal and interest on said revenue bonds or certificates when such payments become due, or to establish and maintain a prescribed schedule of such rates and charges, to pay, at an agreed rate or rates, for treatment of all water used by the city and not resold, and to do and perform any other acts or things which, in the discretion of the governing body, are deemed reasonable and appropriate for the construction, operation, and financing of said plant on the most efficient and economical basis, and the city may make covenants and agreements with respect to any and all of the matters stated in section 40-3513 of the North Dakota Revised Code of 1943.

SECTION 4.) No indebtedness on the general credit of the municipality shall be deemed to be incurred by reason of any covenant or agreement contained in said contract or in the resolu-

tions of the city with reference thereto. No revenues received from taxes or any other source, other than the revenues derived from said plant as hereinabove provided, shall be pledged for the payment of any contract executed or revenue bonds or certificates issued under the provisions of this act. Such contract, bonds, or certificates shall not constitute a lien or charge on any property of the city, except that if the contract price is not paid by the issuance of revenue bonds, title to the plant or any specified portion thereof may be retained by the contractor as security for the purchase price, with right of repossession in the manner provided for property sold under a conditional sales contract, until full payment of the purchase price.

SECTION 5.) 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, and no other law shall be deemed repealed hereby. So far as the provisions of this act are inconsistent with any other laws of this state, the provisions of this act shall be controlling with reference to the making of contracts and the issuance of revenue bonds or certificates of the type and for the purposes herein mentioned.

SECTION 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, 1949.

CHAPTER 273

House Bill No. 287
(Langseth by request)

SANITARY CONDITION FOR ROADS TO GARBAGE DISPOSAL
GROUNDS

AN ACT

Requiring municipalities to maintain in sanitary condition roads leading to grounds for the disposal of garbage, and setting forth exceptions to the application of said Act.

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

SECTION 1. MUNICIPALITIES TO MAINTAIN SANITARY CONDITIONS ON CERTAIN ROADS.) It shall be the duty of any incorporated city, town or village, to maintain in a sanitary condition

the road or highway leading to the grounds maintained by said municipality for the disposal of garbage collected in said municipality. Such road shall be kept free from refuse or garbage resulting from the transportation of the same by the municipality maintaining said grounds.

SECTION 2. EXCEPTION TO APPLICATION OF ACT.) Nothing in this Act shall be construed to limit the right of a municipality to provide penalties applying to any persons found guilty of depositing refuse or garbage on said road or roads leading to such grounds maintained by the municipality for the disposal of refuse and garbage.

Approved March 17, 1949.

CHAPTER 274

House Bill No. 14

(Legislative Research Committee)

(at the request of the League of North Dakota Municipalities)

PURPOSES FOR WHICH MUNICIPALITIES MAY ISSUE REVENUE BONDS

AN ACT

To amend and reenact section 40-3502 of the North Dakota Revised Code of 1943, relating to purposes for which municipalities may issue revenue bonds.

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

SECTION 1. AMENDMENT.) Section 40-3502 of 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; and
4. The operation of parking lots and facilities for motor vehicles;

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 February 9, 1949.

CHAPTER 275

Senate Bill No. 181
(Day, Shure and Torno)

MUNICIPAL REVENUE BONDS FOR SEWERAGE FACILITIES, ETC.

AN ACT

To amend and reenact Sections 40-3503 and 40-3513 of the North Dakota Revised Code of 1943, relating to the issuance of revenue bonds by municipalities authorizing municipalities and state institutions to enter into contracts with other municipalities and with industrial establishments relative to sewerage facilities, and to accept loans or grants from the Federal Government in connection with revenue-producing undertakings, and providing for the subordination of revenue bonds.

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

SECTION 1. AMENDMENT.) That section 40-3503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3503. 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 by gift, purchase or the exercise of the right of eminent domain, property required to construct, reconstruct, improve, better, or extend any undertaking, whether wholly within or wholly without the municipality, and easements, rights in lands, and water rights in connection therewith;

2. Operate and maintain any undertaking for its own use and for the use of public and private consumers and users within and without the territorial boundaries of the municipality ;
3. Prescribe, revise, and collect rates, fees, tolls, or charges for the services, facilities, or commodities furnished by such undertaking, and in anticipation of the collection of the revenues of such undertaking, issue revenue bonds to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of any undertaking ;
4. Pledge to the punctual payment of said bonds and the interest thereon all or any part of the revenues of such undertaking, including the revenues of improvements, betterments, or extensions thereof which may constructed or acquired subsequent to the issuance of such bonds as well as the revenues of existing systems, plants, works, instrumentalities, and properties of the undertaking so improved, bettered, or extended, or of any part of such undertaking ;
5. 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 payment of its bonds, but no encumbrance, mortgage, or other pledge of property of the municipality shall be created by any such contract or instrument ;
6. Enter into and perform contracts, whether long-term or short-term, with any industrial establishment for the provision and operation by the municipality of sewerage facilities, when the governing body of the municipality determines such action to be in the public interest and necessary for the protection of the public health, in order to abate or reduce the pollution of waters caused by discharges of industrial wastes by the industrial establishment, and for the payment periodically by the industrial establishment to the municipality of amounts at least sufficient, in the determination of such governing body, to compensate the municipality for the cost of providing (including payment of principal and interest charges, if any), and of operating and maintaining the sewerage facilities serving such industrial establishment ;
7. Enter into and perform such contracts and agreements with other municipalities, political subdivisions

and state 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 sewerage facilities and the maintenance and operation thereof. Any such municipalities so contracting with each other may also provide in any 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 sewerage facilities and for the operation thereof, and may prescribe its powers and duties and fix the compensation of the members thereof; and

8. Accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, lease, or other provision of any undertaking, and to enter into agreements with such agency respecting such loan or grants.

No property of the municipality shall be liable to be forfeited or taken in payment of any bonds issued under this chapter, and no debt on the general credit of the municipality shall be incurred in any manner for any purpose under any provision of this chapter.

SECTION 2. AMENDMENT.) That section 40-3513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3513. COVENANTS THAT MAY BE INSERTED IN ORDINANCE OR RESOLUTION AUTHORIZING BONDS.) Any ordinance or resolution authorizing the issuance of bonds under this chapter to finance, in whole or in part, the acquisition, construction, reconstruction, improvement, betterment, or extension of an undertaking may contain covenants, notwithstanding that such covenants may limit the exercise of powers conferred by this chapter, as to:

1. The rates, fees, tolls, or charges to be charged for the services, facilities, and commodities of said undertaking;
2. The use and disposition of the revenues of said undertaking;
3. The creation and maintenance of reserves or sinking funds and the regulation, use and disposition thereof;
4. The purpose or purposes to which the proceeds of the sale of said bonds may be applied and the use and disposition of such proceeds;

5. 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 chapter may bring any suit or action on said bonds or on the coupons thereof;
6. The payment by the municipality to the account of said undertaking of a fair and reasonable amount for the services, facilities, or commodities furnished said municipality or any of its departments by said undertaking;
7. The issuance of other or additional bonds or instruments payable from or constituting a charge against the revenue of such undertaking;
8. The insurance to be carried upon the undertaking and the use and disposition of insurance moneys;
9. The keeping of books of account and the inspection and audit thereof;
10. 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;
11. The rights, liabilities, powers, and duties arising upon the breach by the municipality of any covenants, conditions, or obligations;
12. The vesting in a trustee or trustees of the right 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;
13. The terms and conditions upon which the holders of the bonds, or the any proportion or percentage of them, may enforce any covenants made under this chapter or any duties imposed thereby;
14. A procedure by which the terms of any ordinance or resolution authorizing bonds or of any other contract with bondholders, 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; and
15. The subordination of the security of any bonds issued hereunder and the payment of principal and interest thereon, to the extent deemed feasible and desirable by the governing body, to other bonds or obligations of the municipality issued to finance the

undertaking 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 chapter, however, shall authorize any municipality to do anything in any manner 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 provision, 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 a debt.

Approved March 8, 1949.

CHAPTER 276

Senate Bill No. 100
(Feton)

DONATIONS TO PUBLIC LIBRARIES

AN ACT

To amend and reenact section 40-3808 of the North Dakota Revised Code of 1943, relating to donations made to public libraries.

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

SECTION 1. AMENDMENT.) Section 40-3808 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3808. DONATIONS; HOW ACCEPTED; BOARD OF DIRECTORS AS TRUSTEE.) All persons desirous of making donations of money, books, personal property, or real estate for the benefit of the library may vest the same in the board of directors. The board shall hold and control all property accepted for the use of the library and reading room as a special trustee. The treasurer of the city or other political subdivision establishing such library shall be exofficio treasurer of the board as such special trustee, and shall, under the direction of the board, keep, invest, and disburse all funds and securities so vested in said board. Such treasurer shall be deemed a public employee and as such insured in the state bonding fund in the amount fixed by the board and at the expense of the board, as are other public employees under the provisions of chapter 26-23.

Approved February 26, 1949.

CHAPTER 277

Senate Bill No. 16
(Legislative Research Committee)
(at the request of the League of North Dakota Municipalities)

VACATING STREETS AND ALLEYS IN MUNICIPALITIES

AN ACT

To amend and reenact section 40-3904 of the North Dakota Revised Code of 1943, relating to vacating of streets and alleys in municipalities.

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

SECTION 1. AMENDMENT.) Section 40-3904 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-3904. VACATION OF STREETS AND ALLEYS WHERE SEWERS, WATER MAINS, PIPES, AND LINES LOCATED; CONDITIONS.) No public grounds, streets, alleys, or parts thereof over, under, or through which shall have been constructed, lengthwise, any sewers, water mains, gas, or other pipes, or telephone or telegraph lines, of the municipality or the municipality's grantees of the right-of-way therefor, shall be vacated unless such sewers, mains, pipes, or lines have been abandoned and are not in use, or unless such grantee shall consent thereto, or unless perpetual easements for the maintenance of such sewers, water mains, gas or other pipes, or telephone or telegraph lines have been given.

Approved February 25, 1949.

CHAPTER 278

House Bill No. 23
(Legislative Research Committee)

at the request of
(The League of North Dakota Municipalities)

PRELIMINARY STATEMENT MUNICIPAL BUDGET

AN ACT

To amend and reenact sections 40-4005, 40-4008 and 40-4021 of the North Dakota Revised Code of 1943, relating to municipal budgets.

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

SECTION 1. AMENDMENT.) Section 40-4005 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4005. CONTENTS OF PRELIMINARY BUDGET STATEMENT.)
The preliminary budget shall set forth specifically:

1. The detailed expenses of the municipality for the last fiscal year;
2. The estimated expenditures for the current fiscal year, segregated and itemized under three groups as follows:
 - a. Group A shall cover all maintenance and operation expenses, including all wages, salaries, and other items which comprise the current expenses of the municipality. Although the whole amount paid for wages and salaries may be stated in one sum in the budget statement, there shall be on file with the governing body and open to public inspection a detailed statement showing the names of all persons receiving salaries or wages and the annual amount paid to each person. Cities may include as an item of expense an amount which shall be placed in a fund known as the equipment replacement fund. Such amount shall not exceed the total of the anticipated reasonable costs of depreciation for the ensuing fiscal year, based on current costs, all equipment owned by the city, provided that no expenditure shall be paid out of said equipment replacement fund except for the purchase of equipment to replace equipment which is worn out, damaged or obsolete. The term "equipment" shall not include building structures or building fixtures;

- b. Group B shall cover all capital and betterment expenditures, including new construction, major repairs, and all other items which go toward adding to the permanent improvement and value of the municipal property;
 - c. Group C shall cover all debt retirement requirements, including all amounts required to retire floating indebtedness, bonded indebtedness, and to pay interest thereon during the current fiscal year, and also a statement showing the amounts and terms of bond issues, certificates of indebtedness, and warrants or other debts to be taken care of by the levies for debt retirement.
3. The cash balance standing to the debit or credit of the municipality at the end of the last fiscal year;
 4. An estimate of the probable amounts that may be received during the current fiscal year from sources other than direct property taxes, and a statement of all the uncollected taxes due to the municipality.

In addition to the specific sums provided for under groups A and B, the governing body may include in group A, and may appropriate for contingent expenses not otherwise provided for, a sum not exceeding five percent of the total amount of the sums set forth in groups A and B.

SECTION 2. AMENDMENT.) Section 40-4008 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4008. HEARING OF PROTESTS AND OBJECTIONS: CHANGES IN PRELIMINARY BUDGET: PREPARATION OF FINAL BUDGET; CONTENTS.) The governing body shall meet at the time and place specified in the notice and shall hear any and all protests or objections to the items or amounts set forth in the preliminary budget statement. At the hearing, the governing body shall make any changes in the items or amounts shown on the preliminary budget statement as it may deem advisable except as limited in this chapter, and shall prepare the final budget, which shall consist of the preliminary budget with the addition of columns showing:

1. The final appropriations made on account of the various items of expenditures specified in the preliminary budget statement, but the final appropriation, as to any group total, shall not exceed the amount specified in the preliminary budget estimate;

2. The amount of unencumbered cash on hand, which amount shall not include cash or investments of the equipment replacement fund as provided for in section 40-4005;
3. The amount of uncollected taxes standing to the credit of the municipality which, in the opinion of the governing body, may be collected during the ensuing fiscal year;
4. The estimated income that may be received during the ensuing year from sources other than direct property taxes;
5. The net amount which it will be necessary to raise by taxation to meet the appropriations; and
6. The amount of levy estimated to be necessary to provide such net amount of revenue during the fiscal year.

SECTION 3. AMENDMENT.) Section 40-4021 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4021. BALANCE AT END OF FISCAL YEAR TO BECOME PART OF UNAPPROPRIATED BALANCE; WHEN SPECIAL APPROPRIATION TO LAPSE.) At the end of the fiscal year on June thirtieth, the balance to the credit of each annual appropriation shall become a part of the general unappropriated balance in the municipal treasury, except in the case of an appropriation made during the war for post-war construction purposes, and except that the unused balance to the credit of the equipment replacement fund provided for in section 40-4005 shall not become a part of the general unappropriated balance in the municipal treasury, but no special appropriation shall lapse until the work for which it was made has been completed, the bills paid, and the accounts closed.

Approved February 25, 1949.

CHAPTER 279

House Bill No. 6
(Legislative Research Committee)

BOARD OF BUDGET REVIEW

AN ACT

To amend and reenact sections 40-4101 of the 1947 Supplement to the North Dakota Revised Code of 1943 and 40-4102, 40-4103 and 40-4104 of the North Dakota Revised Code of 1943, relating to boards of budget review.

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

SECTION 1. AMENDMENT.) Section 40-4101 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4101. BOARD OF BUDGET REVIEW; REQUIRED IN CERTAIN MUNICIPALITIES; HOW CONSTITUTED.) Every municipality in this state, except townships, shall have a board of budget review. The board shall consist of seven members and shall be constituted as follows:

1. Two members from the governing body of the municipality;
2. Two members from the local school board;
3. One member from the park board; and
4. Two members representing the public at large.

If the municipality has no park board, three members shall represent the public at large. In cases where a member of a board of budget review is not a resident of the governmental subdivision submitting a budget or bond issue for consideration, such member shall not vote upon the question submitted. In the event the remaining members constitute an even number the chairman shall not vote.

SECTION 2. AMENDMENT.) Section 40-4102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4102. APPOINTMENT TO BOARD; CERTIFICATION TO CITY AUDITOR OR VILLAGE CLERK; FAILURE OF LOCAL BOARDS TO APPOINT MEMBERS.) On or before the fifteenth day of July of each year, the governing body of each municipality, school board, and park board mentioned in section 40-4101 shall appoint its representatives to serve on the board of budget review for the current year. The appointments shall be certified to the city auditor or village clerk, as the case may be. The auditor or clerk shall

notify each governing body failing to certify its appointments that the board of budget review will meet for the purpose of organization and the appointment of members at large, giving the time and place of such meeting, and that unless such governing body shall certify the appointment of its representatives on the board on or before the date of the organization meeting, it will be without representation on the board for the current year.

SECTION 3. AMENDMENT.) Section 40-4103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4103. ORGANIZATION MEETING; CLERK; MEMBERS AT LARGE APPOINTED; MEMBERS RECEIVE NO COMPENSATION; OATH OF OFFICE; VACANCIES.) The representatives of the local boards shall meet on the day appointed by the city auditor or village clerk, which shall not be later than July twentieth, and shall organize by electing a chairman and vice chairman. The city auditor or village clerk, as the case may be, shall serve as clerk of the board of budget review. Such representatives shall appoint the members at large from the resident freeholders of the municipality or school district. All members shall serve without compensation. Before entering upon the duties of his office, each member shall take, subscribe, and file with the city auditor or village clerk, as the case may be, the oath required of civil officers. Vacancies on the board shall be filled in the manner in which the original appointment was made.

SECTION 4. AMENDMENT.) Section 40-4104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4104. LOCAL BOARDS TO SUBMIT PRELIMINARY BUDGET TO BOARD OF BUDGET REVIEW FOR EXAMINATION.) The governing body of the municipality, the board of education or the school board, and the park board, if there is one, shall submit to the board of budget review its annual preliminary budget before it finally is adopted. The board of budget review shall review and examine in detail the items of each preliminary budget submitted to it by such local boards and shall certify its approval, disapproval, or modification thereof before the time provided in chapter 40 of this title for the final adoption of the budgets. Whenever under the provisions of this chapter a budget or bond issue would have to be submitted to more than one board of budget review, such boards of budget review shall combine and sit as one body to pass upon such budget or bond issue and shall be known as the board of budget review for the governmental subdivision proposing such budget or bond issue. Such combined board of budget review shall elect a chairman and a secretary from its combined membership but the chairman shall not vote except in case of a tie.

Approved March 8, 1949.

CHAPTER 280

Senate Bill No. 19
(Legislative Research Committee
at the request of the League of North Dakota Municipalities)

CIVIL SERVICE SYSTEM IN PARK DISTRICTS

AN ACT

Providing for civil service systems in park districts within certain cities.

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

SECTION 1. PARK DISTRICTS MAY ADOPT CIVIL SERVICE SYSTEMS.) The board of park commissioners of a park district in any city which has adopted a civil service system pursuant to the provisions of chapter 40-44 of the North Dakota Revised Code of 1943, may, with the consent of the governing body of such city, provide that the employees of such park district shall be subject to the provisions of said chapter 40-44, provided that appointments to positions of employment within such park district shall be made by the board of park commissioners of the district.

Approved February 25, 1949.

CHAPTER 281

House Bill No. 242
(Committee on Veterans and Military Affairs)

CITY POLICE PENSIONS

AN ACT

To amend and reenact section 40-4510 of the North Dakota Revised Code of 1943, relating to police pensions and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 40-4510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4510. PERIOD OF SERVICE SPENT IN ARMY, NAVY, OR MARINES TO BE INCLUDED AS SERVICE IN DEPARTMENT.) Any member of a police department who has resigned therefrom or who

shall resign therefrom, or who has been granted or shall be granted a leave of absence to serve in the army, navy, or marine corps of the United States, or as a member of the United States army, navy, or marine reserve, or who shall have been selected for training under the selective service provisions of the laws of the United States and has returned with an honorable discharge from, or other document showing honorable service in, such service to the police department, shall have the period of such service included as part of his period of service in the department.

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

Approved March 10, 1949.

CHAPTER 282

House Bill No. 344
(Brickner by request)

CITY EMPLOYEES PENSIONS

AN ACT

To amend and reenact section 40-4601 of the North Dakota Revised Code of 1943 with reference to pensions for city employees and providing that members of the police force and the firemen's relief association of any city may not be considered employees of said city for the purpose of the provisions of chapter 40-46 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:

SECTION 1. AMENDMENT.) Section 40-4601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4601. ADOPTION OF EMPLOYEES' PENSION PLAN; EXCLUSION OF POLICE AND MEMBERS OF FIREMEN'S RELIEF ASSOCIATIONS.) The provisions of this chapter shall become operative in any city qualified to adopt the same by:

1. The adoption by the governing body of the city of a plan substantially setting forth the provisions of this chapter; and
2. The concurrence in such plan by the employees of the city by a majority vote thereof.

Thereafter, all employees of the city shall be bound by the provisions of such plan without further action by the governing body

or by the employees of the city. For the purposes of this chapter, members of the police force of the city shall not be considered employees of the city, and members of a firemen's relief association shall not be considered employees of the city, if by a majority vote of the members thereof, they exclude themselves. Upon the adoption of the employees' pension plan provided for by this chapter, the city may elect to withdraw from the old age and survivor insurance system provided for by chapter 52-09 of the 1947 Supplement to the North Dakota Revised Code of 1943. Such withdrawal will be effective upon the city giving written notice thereof to the North Dakota unemployment compensation division of the North Dakota workmen's compensation bureau.

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

Approved March 17, 1949.

CHAPTER 283

House Bill No. 248

(Committee on Veterans' and Military Affairs)

CITY EMPLOYEES' PENSIONS

AN ACT

To amend and reenact section 40-4611 of the North Dakota Revised Code of 1943, relating to employees' pensions in cities and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 40-4611 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-4611. PERIOD OF SERVICE SPENT IN ARMY, NAVY, OR MARINES INCLUDED AS SERVICES TO CITY.) Any employee of a city having an employees' pension fund who resigns therefrom or who has been granted or shall be granted a leave of absence to serve in the army, navy, or marine corps of the United States, or as a member of the United States army, navy, or marine reserve, or who shall have been selected for training under the selective service provisions of the laws of the United States, and who has returned to the employ of the city with an honorable discharge from, or other document showing honorable service in, such service, shall have the period of such service included as part of his period of service to such city.

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

Approved March 10, 1949.

CHAPTER 284

Senate Bill No. 20
(Legislative Research Committee
at the request of the League of North Dakota Municipalities)

PARK DISTRICT EMPLOYEES PENSIONS AND TAX LEVY

AN ACT

Providing for employees pension in certain park districts, providing for a tax to be levied for the same.

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

SECTION 1. PARK DISTRICTS MAY PROVIDE FOR EMPLOYEES PENSIONS.) The board of park commissioners of a park district in any city which has adopted an employees pension system pursuant to the provisions of chapter 40-46 of the North Dakota Revised Code of 1943 and acts amendatory thereof and supplementary thereto, may, with the consent of the governing body of such city and the consent of not less than a majority of the city employees covered by the provisions of such chapter, provide for employees pensions pursuant to such chapter 40-46, and payments made by employees or taxes levied by such park district shall be paid into the employees pension fund of such city, and the benefits provided for the employees of such park district shall be the same as provided for employees of such city.

SECTION 2. TAX LEVY FOR PARK DISTRICT EMPLOYEES PENSION FUND.) Any park district adopting the provisions of section 1 of this act may levy a tax not in excess of the ratio which the total amounts paid to the employees of such city per annum bears to the amount of taxes levied by such city for such employees pension fund, which tax levy shall be in addition to all other taxes now authorized by law to be levied by park districts. The proceeds of such tax levy shall be placed in the employees pension fund of the city.

Approved February 26, 1949.

OCCUPATIONS AND PROFESSIONS

CHAPTER 285

House Bill No. 155

(Gumeringer, Benson, Frank, Leier, Westby, Helm, McInnes, and Sellens)

ABSTRACTERS FEES**AN ACT**

To amend and reenact section 43-0118 of the North Dakota Revised Code of 1943, relating to abstractor fees and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 43-0118 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0118. FEES CHARGEABLE BY ABSTRACTER.) An abstractor may charge the following fees, and no more, for making and certifying to an abstract:

1. For the first entry on an abstract or continuation thereof, one dollar and fifty cents;
2. For every entry other than the first entry, seventy-five cents;
3. For a complete certification covering the records of the several county offices, three dollars;
4. For each name searched for judgments, real estate taxes, federal tax liens, state tax liens, mechanic's liens and mechanic's lien notices, fifty cents;
5. For all miscellaneous instruments, seventy-five cents for the first one-hundred words, and twenty-five cents for each additional hundred words or fraction thereof.

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

Approved February 11, 1949.

CHAPTER 286

Senate Bill No. 179
(Leno)

DEFINING "MOVING PICTURE MACHINE OPERATOR"

AN ACT

To amend and reenact subsection 3 of section 43-0901 of the North Dakota Revised Code of 1943, defining motion picture machine operator and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 43-0901 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0901. DEFINITIONS.)

3. "Moving picture machine operator" shall mean a person having the necessary qualifications, training, and experience to operate moving picture machines and switchboards in buildings, parts of buildings, or enclosures used for public assemblages;

provided, however, that the provisions of this chapter shall not apply to any person operating 8 mm. or 16 mm. moving picture machine and using noncombustible and noninflammatory safety film exclusively.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency and shall take effect and be enforced from and after its passage and approval.

Approved February 26, 1949.

CHAPTER 287

House Bill No. 288

(Thompson (McLean), Haugen (McLean), Thompson (Richland),
Bentz, Maher, Haugland, Hammer)

ELECTRICIANS

AN ACT

To amend and reenact sections 43-0901, 43-0902, 43-0904, 43-0905, 43-0911, 43-0913, 43-0914 and 43-0920 of the North Dakota Revised Code of 1943 and repealing section 43-0903 of the North Dakota Revised Code of 1943, relating to electricians, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 43-0901 of 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. "Moving picture machine operator" shall mean a person having the necessary qualifications, training and experience to operate moving picture machines and switchboards in buildings, parts of buildings, or enclosures used for public assemblages; provided, however, that the provisions of this chapter shall not apply to any person operating eight millimeter or sixteen millimeter moving picture machines and using non-combustible and non-inflammable safety film exclusively;
5. "Board" shall mean the state electrical board.

SECTION 2. AMENDMENT.) Section 43-0902 of 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 co-operatives, master licensed electricians, licensed journeyman electricians, licensed motion picture operators. 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 terms of office.

SECTION 3. AMENDMENT.) Section 43-0904 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0904. OFFICE OF BOARD: COMPENSATION OF MEMBERS.) The members of the board shall select from their members a president and a treasurer and the commissioner of insurance shall be secretary of the board. Each appointive member of the board shall receive ten dollars per day for the actual services rendered and in addition thereto, each member shall receive the necessary and actual expenses incurred by him in the discharge of his duties. The mileage and travel expense allowed shall not exceed the amount provided for in section 54-0609.

SECTION 4. AMENDMENT.) Section 43-0905 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0905. POWERS AND DUTIES OF STATE ELECTRICAL BOARD: REPORT.) The board shall adopt a seal and may make reasonable

rules and regulations to carry out the provisions of this chapter. It shall file an annual report with the governor showing all fees received and disbursements made, a list of all persons who have complied with the provisions of this chapter, and all action taken by the board under the provisions of this chapter. The board shall appoint qualified inspectors, who shall within fifteen days after notice of completion of any electrical wiring installation involving a value of fifty dollars or more in municipalities having ordinances requiring such inspection, inspect such electrical installation and approve or condemn the same. A report thereof shall be made on forms prescribed by the board.

SECTION 5. AMENDMENT.) Section 43-0911 of 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, three years' experience in his trade before taking the examination;
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;
4. Moving picture machine operator, two years' experience in the line of work for which he requests a license.

SECTION 6. AMENDMENT.) Section 43-0913 of 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, fifteen dollars, annual license fee, fifteen 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;
4. Moving picture machine operator, examination fee, five dollars, annual license fee, five dollars.

SECTION 7. AMENDMENT.) Section 43-0914 of 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 one thousand dollars 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.

SECTION 8. AMENDMENT.) Section 43-0920 of 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 and his authority under the contract, undertaking or agreement is limited to the actual installation by him of farmstead electrical wiring, the installation of electrical equipment, appliances and apparatus used on farmsteads.

SECTION 9. SPECIAL EMERGENCY.) In the case of an emergency, as determined by the manager and board of directors of the local rural electric co-operative, where sufficient licensed electricians are not available for the installation, maintenance or repair of farmstead electrical wiring where current is being supplied or is to be supplied by a rural electric co-operative, or other public utility, any competent workman who has had at least eighteen months experience in farmstead wiring may enter into a contract, undertaking, or agreement for installation, maintenance, or repair of farmstead electrical wiring, if the contract is approved by the manager and board of directors of the co-operative, and no license shall be required for the performance of work under such contract, undertaking, or agreement, provided the provisions of this emergency shall expire July 1, 1951.

SECTION 10. CONSTITUTIONALITY.) If any section, sub-section, 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.

SECTION 11. REPEAL.) Section 43-0903 of the North Dakota Revised Code of 1943 is hereby repealed.

SECTION 12. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect after its passage and approval.

Approved March 19, 1949.

CHAPTER 288

House Bill No. 9

(Legislative Research Committee)
(at the request of the State Department of Health)

EMBALMERS EXAMINATION

AN ACT

To amend and reenact section 43-1012 of the North Dakota Revised Code of 1943, relating to examination for license to practice embalming or preparing dead human bodies for burial or shipment.

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

SECTION 1. AMENDMENT.) Section 43-1012 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1012. EXAMINATIONS: SUBJECTS COVERED; WRITTEN; RECORD OF.) The examination for a license to practice embalming or preparing dead human bodies for burial or shipment shall be in writing and shall cover the following subjects:

1. Anatomy;
2. Embalming;
2. Bacteriology;
4. Chemistry;
5. Pathology;
6. Mortuary management;
7. Restorative arts;
8. Laws, rules and regulations of the state department of health and the state board of embalmers governing the practice of embalming
9. Other subjects that may be required by the board.

All examination papers shall be kept of record by the board for a period of not less than three years.

Approved February 26, 1949.

CHAPTER 289

House Bill No. 319
(Fleck and Graham)

QUALIFICATIONS REGISTERED PHARMACIST

AN ACT

To amend and reenact subdivision 4 of section 43-1515, relating to the qualifications for registered pharmacists and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subdivision 4 of section 43-1515 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4. Before a certificate will be granted by the North Dakota board of pharmacy, the applicant must have at least one year of practical experience in a retail pharmacy under the supervision of a registered pharmacist, which experience shall be predominantly work directly relating to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, keeping records, and making reports required under the state and federal statutes.

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

Approved March 10, 1949.

CHAPTER 290

House Bill No. 134
(Johnson and Culver)

OPERATION OF PHARMACY

AN ACT

To amend and reenact section 43-1534 of the North Dakota Revised Code of 1943, relating to operation of pharmacy, permit required, application and fee; and repealing all acts or parts of acts in conflict herewith.

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

SECTION 1. AMENDMENT.) Section 43-1534 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1534. OPERATION OF PHARMACY; PERMIT REQUIRED; APPLICATION; FEE.) No person, copartnership, association, or corporation shall open, establish, operate, or maintain any pharmacy within this state without first obtaining a permit so to do from the board. Application for the permit shall be made upon a form to be prescribed and furnished by the board and shall be accompanied by a fee of thirty dollars. A like fee shall be paid upon each annual renewal thereof. Separate applications shall be made and separate permits required for each pharmacy opened, established, operated, or maintained by the same owner.

SECTION 2.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 19, 1949.

CHAPTER 291

House Bill No. 133
(Johnson and Culver)

RENEWAL PHARMACY LICENSE

AN ACT

To amend and reenact section 43-1538 of the North Dakota Revised Code of 1943, relating to renewal of permits for the operation or maintenance of pharmacies in this state, failure to make application for renewal of permits within prescribed time, imposing a penalty for such failure.

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

SECTION 1. AMENDMENT.) Section 43-1538 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1538. FAILURE TO RENEW PERMIT; WHEN NEW PERMIT GRANTED.) If an application for renewal of a permit issued for the operation or maintenance of a pharmacy in this state is not made before the first day of June of the fiscal year for which the permit was issued, the existing permit, or renewal permit, shall lapse and become null and void upon the thirtieth day of that month. A new or further renewal of a permit shall be granted only:

1. Upon evidence satisfactory to the board of good and sufficient reason or excuse for failure to file an application within the time prescribed;
2. Payment of the regular renewal fee of thirty dollars, and an additional five dollars.

Approved March 9, 1949.

OFFICES AND OFFICERS

CHAPTER 292

Senate Bill No. 155
(Leno, Shure and Solberg)

RESTRICTIONS OF PUBLIC OFFICERS AND EMPLOYEES**AN ACT**

Restricting public officers and employees from using their office to benefit themselves financially, and providing a penalty for violation thereof.

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

SECTION 1. VARIOUS OFFICERS RESTRICTIONS.) No public officer, member of any board, bureau or commission, nor any employee or appointee thereof, shall use his office or position for the purpose of effecting the sale or purchase of any equipment, merchandise or service for which he will benefit financially.

SECTION 2. PENALTY.) Any person violating the provisions of this act is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and removal from office.

Approved March 8, 1949.

CHAPTER 293

House Bill No. 27
(Legislative Research Committee)
(at the request of the State Auditing Board)

PUBLIC OFFICERS EXPENSE ACCOUNT; FALSE CLAIM**AN ACT**

To amend and reenact sections 44-0804 and 44-0805 of the North Dakota Revised Code of 1943, relating to expenses allowed public officers and the penalty for a false claim and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 44-0804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

44-0804. EXPENSE ACCOUNT: AMOUNT ALLOWED.) No elective officer other than the governor and members of the legislature, nor any appointive officer, employee, representative, or agent of this state, or of any of its subdivisions, agencies, bureaus, boards, or commissions, shall make claim upon any public fund for any sum in excess of four dollars for any one day for meals, and in addition thereto actual lodging expenses not to exceed four dollars per day while engaged in the discharge of a public duty and while upon a public expense account within the state, or in excess of six dollars for any one day for meals, and in addition thereto actual lodging expense, while so engaged within this state. In no event shall any such elective or appointive officer, employee, representative, or agent make claim upon such public expense account for an amount in excess of that actually paid for expenses while engaged in the public service.

SECTION 2. AMENDMENT.) Section 44-0805 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

44-0805. UNLAWFUL EXPENSE AND TRAVELING ACCOUNT PENALTY.) Any person violating any of the provisions of sections 44-0803 and 44-0804 is guilty of a felony and shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in a county jail for not less than ninety days nor more than one year, or by imprisonment in the penitentiary for not more than five years, or by both such fine and imprisonment.

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 8, 1949.

PUBLIC BUILDINGS

CHAPTER 294

Senate Bill No. 7

(Legislative Research Committee)

(at the request of the State Board of Administration)

BOARD OF ADMINISTRATION POSTAGE REVOLVING FUND

AN ACT

To amend and reenact section 48-0606 of the North Dakota Revised Code of 1943, relating to the board of administration postage revolving fund, appropriating or reappropriating to said fund not to exceed thirty thousand dollars and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 48-0606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

48-0606. BOARD OF ADMINISTRATION POSTAGE REVOLVING FUND.) There shall be maintained in the office of the state treasurer a "board of administration postage revolving fund" in the basic sum of thirty thousand dollars to provide funds for the advance payment of postage. The board of administration may draw upon said fund for the advance payment of postage for the use of the central mailing bureau, and all collections from the several offices, departments, and agencies, for postage used by the same, are hereby appropriated and shall be paid into said fund. The provisions of section 54-2710 shall not apply to said fund nor shall any part of said fund revert at the expiration of any biennium.

SECTION 2. APPROPRIATION.) There is hereby appropriated or reappropriated to the board of administration postage revolving fund, in a sum not to exceed thirty thousand dollars, all sums appropriated to said fund by chapter 214 of the 1941 Session Laws, chapter 13 of the 1943 Session Laws and chapter 60 of the 1945 Session Laws and all collections credited to said fund, it being the intent of this section to stabilize said fund in the basic sum of thirty thousand dollars.

SECTION 3. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 7, 1949.

PUBLIC UTILITIES

CHAPTER 295

Senate Bill No. 167
(Duffy)

PUBLIC UTILITY PROPERTY TRANSFERS; RECORDING, ETC.**AN ACT**

To amend and reenact sections 49-0914 and 49-0915 of the North Dakota Revised Code of 1943 relating to public utility general property transfers and the recording thereof and conveyance by public utilities of property other than right-of-way and recording thereof.

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

SECTION 49-0914. UTILITY PROPERTY TRANSFERS RECORDED WITH SECRETARY OF STATE.) Every general conveyance, lease, deed of trust, mortgage, assignment, or satisfaction thereof, made by any public utility or corporation of any franchise, right-of-way, real estate, fixtures, poles, wires, pipes, conduits, and general equipment used in carrying on the business of a public utility in pursuance of law shall be executed and acknowledged in the manner in which a conveyance of real estate by a corporation is required to be executed and acknowledged to entitle the same to be recorded. It shall be recorded in the office of the secretary of state, who shall endorse thereon his certificate specifying the day and hour of its reception and the volume and page where recorded, and such certificate shall be evidence of the fact of recording. Every such record of any instrument, from the time of reception, shall have the same effect as to any property in this state described therein as the record of any similar instrument in the office of a register of deeds may have by law as to property in the county in which such register of deeds holds office, and shall be notice of the rights and interests of the grantee, lessee, or mortgagee to the same extent as if it were recorded in each of the several counties in which any property therein described may be situated ;

SECTION 49-0915. CONVEYANCE OF REAL PROPERTY OTHER THAN RIGHT-OF-WAY ; RECORDING.) Every such conveyance, lease, deed of trust, or mortgage, made by a public utility which covers any real property other than that used by such public utility as a right-of-way for its railway, telegraph or telephone lines, or gas or oil pipe lines, also shall be recorded in the office of the register of

deeds for each county wherein such other real estate, or any part thereof, is situated. Such conveyance, lease, deed of trust, or mortgage shall not operate as a conveyance of, nor as creating any lien upon, any such real estate other than the right-of-way, until such instrument has been duly recorded in the office of the register of deeds of the county in which the same is situated.

Approved March 8, 1949.

CHAPTER 296

House Bill No. 336

(Frank, Helm, Westby, by request)

ELECTRIC HEAD AND REAR LIGHTS,
RAILROAD TRACK MOTOR CARS

AN ACT

To provide for the installation of head and rear lights on track motor cars operated by railroads and providing a penalty.

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

SECTION 1.) From and after September 1, 1949 every person, firm or corporation operating or controlling any railroad running through or within the state shall equip each of its track motor cars used during the period from thirty minutes before sunset to thirty minutes after sunrise, with:

1. An electric headlight of such construction and of sufficient candlepower to render plainly visible at a distance of not less than three hundred feet in advance of such track motor car, any track obstruction, landmark, warning sign or grade crossing; and
2. A rear electric red light of such construction and of sufficient candlepower as to be plainly visible at a distance of three hundred feet.

SECTION 2.) Any person, firm or corporation operating or controlling any railroad running through or within this state using or permitting to be used on its line in this state a track motor car in violation of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of one hundred dollars for each violation.

Approved March 8, 1949.

PUBLIC WELFARE

CHAPTER 297

House Bill No. 275

(Graham, J. Stormon, Thompson of McLean, Haugen of
McLean and Bentz)

COMPENSATION, ETC., MEMBERS COUNTY WELFARE BOARD**AN ACT**

To amend and reenact Section 50-0108 of the North Dakota Revised Code of 1943, pertaining to members of county welfare board; term of office; oath, compensation.

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

SECTION 1. AMENDMENT.) That Section 50-0108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0108. MEMBERS OF COUNTY WELFARE BOARD; TERM OF OFFICE; OATH; COMPENSATION.) The members of the county welfare board shall serve for a term of three years or until their successors have duly qualified. Their terms of office shall be arranged so that the term of office of one of the members shall expire in one year, the term of one-half of the remaining members the next year, and the term of the remaining members the third year. Each member of the board shall qualify by taking the oath provided for civil officers. Such oath shall be filed with the county auditor. The members of the county welfare board shall receive, in addition to any salaries they may receive from any other source, from the state or county or any municipality, the sum of \$5.00 per day for time actually spent in transacting the business of the board not exceeding a maximum of twenty-five days a year. Members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties and shall be paid legal mileage for necessary travel.

Approved February 28, 1949.

CHAPTER 298

House Bill No. 277

(Graham, J. Stormon, Thompson of McLean, Haugen of McLean, and Bentz)

RESIDENCE IN COUNTIES FOR POOR RELIEF PURPOSES

AN ACT

To amend and reenact subsection one (1) of Section 50-0204 of the North Dakota Revised Code of 1943 pertaining to residence in counties; how gained; and declaring an emergency.

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

SECTION 1. AMENDMENT.) That subsection one (1) of section 50-0204 of the North Dakota Revised Code of 1943 be hereby amended and reenacted to read as follows:

50-0204. RESIDENCE IN COUNTIES; HOW GAINED.) If no type of public assistance or poor relief, whether county, state, or federal, has been received, residence in a county for poor relief purposes, shall be gained as follows:

1. Each male person, over the age of twenty-one years, and each unmarried female, over the age of eighteen years, who has resided one year continuously in any county in this state, shall be deemed to have residence in such county;

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

Approved March 10, 1949.

CHAPTER 299

Senate Bill No. 156
(Committee on Social Welfare)

COMPENSATION MEMBERS PUBLIC WELFARE BOARD
OF NORTH DAKOTA

AN ACT

To amend and reenact Section 50-0604 of the North Dakota Revised Code of 1943 pertaining to compensation for members of the Public Welfare Board of North Dakota.

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

SECTION 1. AMENDMENT.) That Section 50-0604 of the North Dakota Revised Code of 1943 be hereby amended and reenacted to read as follows:

50-0604. MEMBERS OF BOARD; COMPENSATION.) The members of the public welfare board shall receive ten dollars per day, not to exceed seventy-five days in any one year, and their necessary expenses for travel while attending meetings, or in the performance of such special duties as the board may direct. Such per diem and expenses shall be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section shall not be paid to any member of the board who receives a salary or other compensation from the state, or any of its political subdivisions, or any institution or industry operated by the state in excess of two hundred fifty dollars a month.

Approved February 26, 1949.

CHAPTER 300

House Bill No. 274

Graham, J. Stormon, Thompson of McLean,
Haugen of McLean and Bentz)OWNERSHIP OF PROPERTY OR INSURANCE POLICY NO BAR TO
OLD AGE ASSISTANCE; TRANSFER IN TRUST

AN ACT

To amend and reenact Section 50-0705 of the North Dakota Revised Code of 1943 relating to ownership of property or insurance policy does not preclude granting of assistance: Transferred in trust.

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

SECTION 1. AMENDMENT.) That Section 50-0705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0705. OWNERSHIP OF PROPERTY OR INSURANCE POLICY DOES NOT PRECLUDE GRANTING OF ASSISTANCE: TRANSFERRED IN TRUST.) The ownership of real or personal property by an applicant for old age assistance or by the spouse of such applicant, either individually or jointly, or of insurance on the life of the applicant, shall not preclude the granting of old age assistance if the applicant is without funds for his support. But if the applicant is the owner of real property, other than a homestead, of a life insurance policy having a cash surrender value of more than three hundred dollars, or of personal property other than household goods, wearing apparel, and personal effects, of a value in excess of two hundred dollars, then the applicant, as a condition to the grant of assistance, shall be required to transfer such property in trust by appropriate instrument as security for such old age assistance payments as the applicant thereafter may receive, unless the congress of the United States shall enact legislation prohibiting the taking of security on either real or personal property belonging to the old age assistance applicant.

Approved February 28, 1949.

CHAPTER 301

House Bill No. 314

(Graham, Esterby, Schuler, Rudolph, Welk, Thompson (Richland),
Williams)

MINIMUM AMOUNT OF OLD AGE ASSISTANCE

AN ACT

To amend and reenact section 50-0713 of the North Dakota Revised Code of 1943, relating to the minimum amount of old age assistance and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 50-0713 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

50-0713. AMOUNT OF ASSISTANCE; MINIMUM.) The amount of assistance which any person shall receive under the provisions of this chapter shall be sufficient, when added to all other income of the recipient, to provide such person with a reasonable subsistence compatible with decency and health. The amount of such assistance to each recipient shall not be less than a minimum of sixty dollars per month unless there is more than one recipient in a family, in which case it shall not be less than forty-five dollars a month for each recipient of the family.

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

Approved March 12, 1949.

SALES AND EXCHANGE

CHAPTER 302

House Bill No. 202
(Wolf, Allen and Callahan)

**REPEAL RESTRICTION AUCTIONEER'S PLACE OF BUSINESS
AND TIME FOR HOLDING AUCTION SALES****AN ACT**

To repeal sections 51-0505 and 51-0509 of the North Dakota Revised Code of 1943, relating to auction sales.

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

SECTION 1. REPEAL.) Sections 51-0505 and 51-0509 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 9, 1949.

SOCIAL SECURITY

CHAPTER 303

Senate Bill No. 120
(Senators Streibel and Lynch at the request of the
Unemployment Compensation Division of North Dakota
Workmen's Compensation Bureau)

**REGULATING UNEMPLOYMENT COMPENSATION DIVISION
AND N. D. STATE EMPLOYMENT SERVICE AS DIVISIONS OF
WORKMEN'S COMPENSATION BUREAU****AN ACT**

To amend and reenact sections 52-0201 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to unemployment compensation division and North Dakota state employment service to be divisions of bureau; regulations governing; 52-0413, priority rights to contributions upon legal dissolutions or distributions; 52-0602, relating to disqualifications for benefits; 52-0604, relating to amount of benefits.

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

SECTION 1. AMENDMENT.) Section 52-0201 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0201. UNEMPLOYMENT COMPENSATION DIVISION AND NORTH DAKOTA STATE EMPLOYMENT SERVICE TO BE DIVISIONS OF BUREAU; REGULATION GOVERNING.) There shall be maintained within the North Dakota workmen's compensation bureau a division to be known as the "Unemployment Compensation Division." The "North Dakota State Employment Service" also shall constitute a division of the workmen's compensation bureau, and together with the unemployment compensation division shall constitute two coordinate divisions of such bureau, each of which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the bureau. In addition to compensation received as commissioners of the bureau, each of the three commissioners of the bureau may receive and retain as remuneration for their services under this chapter such sums as the United States government or the federal social security board may allow to them. Each division of the bureau shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budgets, and duties, except insofar as the bureau may find that such separation is impractical because of the small size of the territory served or of the volume of work performed. The bureau may appoint, fix the compensation of, and prescribe the duties of the director of the unemployment compensation division. Such appointment shall be made on a nonpartisan merit basis.

SECTION 2. AMENDMENT.) Section 52-0413 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0413. PRIORITY RIGHTS TO CONTRIBUTIONS UPON LEGAL DISSOLUTIONS OR DISTRIBUTIONS.) In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, assignment for the benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than two hundred and fifty dollars to each claimant, earned within four months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal bankruptcy act of 1898, as amended, contribution then or thereafter due shall be entitled to such priority as is provided in section 64a of that act, United States Code Title II, section 104b, as amended. In any action for the recovery of delinquent or defaulted contributions, the remedies of garnishment or attachment, or both, shall be available. A judgment obtained for such contributions shall be a prior lien

over all other judgments or liens, excepting employees wages. No exemptions except absolute exemptions shall be allowed against any levy under execution pursuant to judgment recovered in such action.

SECTION 3. AMENDMENT.) Section 52-0602 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0602. DISQUALIFICATION FOR BENEFITS.) An individual shall be disqualified for benefits:

1. For the week in which he has left his work voluntarily without good cause and for not more than seven consecutive weeks which immediately follow such week, as determined according to the circumstances in each case;
2. For the week in which he has been discharged for misconduct connected with his work and for not more than the ten consecutive weeks which immediately follow such week, as determined according to the circumstances in each case;
3. If he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the bureau or to accept suitable work when offered him. Such disqualification shall continue for the week in which such failure occurred and for not more than the seven consecutive weeks which immediately follow such week as determined according to the circumstances in each case;
4. For any week with respect to which it is found that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed; provided that this subsection shall not apply if it is shown that:
 - a. He is not participating in or directly interested in the labor dispute which caused the stoppage of work; and
 - b. He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute; provided, that if in any case separate branches of work, which are commonly conducted as separate businesses in separate premises,

are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises; and provided further, that there shall not be deemed to be a stoppage of work in any factory, establishment, or other premises unless there shall be a substantial stoppage of work in each of said factory, establishment, or other premises.

5. For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States, provided, that if the appropriate agency of such state or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.
6. For any week of unemployment if such individual has left his most recent work for the purposes of attending an educational institution; or if the individual is a student registered for full attendance at and is regularly attending an established school, college or university, or is on vacation within the school term; provided, however, that this disqualification shall not apply if such individual is unemployed through no fault of his own and is attending school only because of lack of work and is willing to quit school to accept full-time work.
7. For any week in which he is partially or totally unemployed by reason of a disciplinary suspension of not more than thirty days by his employer for misconduct connected with his employment, and the bureau so finds.
8. For one year from the date on which such individual has made a false statement for the purposes of obtaining benefits to which he was not lawfully entitled. Provided, however, that this disqualification shall not apply to cases in which it shall appear to the satisfaction of the bureau that the said false statement was made by reason of a mistake or misunderstanding of law or of facts without fraudulent intent.
9. For the purposes of this section an employer's account shall not be charged when benefits are paid without any disqualification to an individual who has left his

most recent work for good cause not involving fault on the part of the employer or when benefits are paid for unemployment immediately after expiration of the period of disqualification for leaving work voluntarily without good cause; or when separation from employment is due to discharge for misconduct.

10. The waiting period described in section 52-0601 of this title shall be required to be served after the expiration of the disqualification herein mentioned.

SECTION 4. AMENDMENT.) Section 52-0604 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0604. AMOUNT OF BENEFITS; TABLE.)

1. An individual's weekly benefit amount shall be the amount appearing in Column B in the table in this section on the line on which, in Column A of such table, there appears the total wages paid to such individual for insured work in that quarter of his base period in which such total wages were highest.

Column A wages paid in highest quarter of base period	Column B weekly benefit amount	Column C Qualifying wages in base period	Column D Maximum total benefits in benefit year
\$ 35.00-\$115.00	\$ 5.00	\$140.00	\$100.00
115.01- 138.00	6.00	168.00	120.00
138.01- 161.00	7.00	196.00	140.00
161.01- 184.00	8.00	224.00	160.00
184.01- 207.00	9.00	252.00	180.00
207.01- 230.00	10.00	280.00	200.00
230.01- 253.00	11.00	308.00	220.00
253.01- 276.00	12.00	336.00	240.00
276.01- 299.00	13.00	364.00	260.00
299.01- 322.00	14.00	392.00	280.00
322.01- 345.00	15.00	420.00	300.00
345.01- 368.00	16.00	448.00	320.00
368.01- 391.00	17.00	476.00	340.00
391.01- 414.00	18.00	504.00	360.00
414.01- 437.00	19.00	532.00	380.00
437.01-and over	20.00	560.00	400.00

2. With respect to any week for which a benefit is paid to an individual in accordance with the provisions of subsection 1 of section 52-0604 there shall be added to such benefit a dependents' allowance equal to the

amount in the table of this subsection, in the column which shows the number of such individual's dependents, if any, and on the line on which in Column A of such table there appears his weekly benefit amount. As used in this subsection dependent means an unmarried child (including stepchild or adopted child, whether or not legally adopted) of an individual claiming benefits under this act who is under 18 years of age and living with such individual or receiving regular support from him, who receives no remuneration in excess of \$5.00 in the claim week. Dependents allowances shall be in addition to the unemployment compensation benefits otherwise payable and shall not be considered a part of an individual's maximum benefit amount as shown in subsection 1 of this section. No dependents allowance shall be payable with respect to any week unless an unemployment benefit is also payable with respect to such week. If both the husband and wife receive benefits with respect to a week of unemployment, only one of them shall be entitled to dependents allowance with respect to any dependent. Dependents allowances paid in accordance with this paragraph shall not be chargeable to the employer's account for experience rating purposes set forth at section 52-0406.

DEPENDENTS' ALLOWANCE

Column A weekly benefit amount	Column B 1 dependent	Column C 2 dependents	Column D 3 dependents
\$ 5	\$2	\$2	\$2
6	2	3	3
7	2	3	3
8	2	4	4
9	2	4	4
10	2	4	4
11	2	4	5
12	2	4	5
13	2	4	6
14	2	4	6
15	2	4	6
16	2	4	6
17	2	4	6
18	2	4	6
19	2	4	6
20	2	4	6

Approved March 8, 1949.

CHAPTER 304

House Bill No. 31
(Legislative Research Committee)
at the request of the
(Unemployment Compensation Division)

EMPLOYERS CONTRIBUTIONS TO
UNEMPLOYMENT COMPENSATION FUND

AN ACT

To amend and reenact section 52-0406 of the 1947 Supplement of the North Dakota Revised Code of 1943, relating to rate of contributions made by employers to unemployment compensation fund.

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

SECTION 1. AMENDMENT.) Section 52-0406 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0406. VARIATIONS IN STANDARD RATE OF CONTRIBUTIONS; HOW DETERMINED.) Variations from the standard rate of contributions shall be determined in accordance with the following requirements:

1. If the total of all employer's contributions paid on or before January thirty-first of any year subsequent to December 31, 1941, with respect to wages paid by him prior to the first day of January of that calendar year, exceeds the total benefits which were chargeable to his account and were paid on or before December thirty-first of the preceding year with respect to weeks of unemployment compensated prior to such first day of January, his contribution rate for the ensuing calendar year shall be:
 - a. Two and seven-tenths percent, if such excess is less than four percent of his average annual payroll;
 - b. Two and five-tenths percent, if such excess equals or exceeds four percent but is less than five percent of his average annual payroll;
 - c. Two and twenty-five hundredths percent, if such excess equals or exceeds five percent but is less than six percent of his average annual payroll;
 - d. Two percent, if such excess equals or exceeds six percent but is less than seven percent of his average annual payroll;

- e. One and seventy-five hundredths percent, if such excess equals or exceeds seven percent but is less than eight percent of his average annual payroll;
 - f. One and one-half percent, if such excess equals or exceeds eight percent but is less than nine percent of his average annual payroll;
 - g. One and twenty-five hundredths percent, if such excess equals or exceeds nine percent but is less than ten percent of his average annual payroll;
 - h. One percent, if such excess equals or exceeds ten percent but is less than eleven percent of his average annual payroll;
 - i. Seventy-five hundredths of one percent, if such excess equals or exceeds eleven percent but is less than twelve percent of his average annual payroll;
 - j. One-half of one percent, if such excess equals or exceeds twelve percent but is less than thirteen percent of his average annual payroll;
 - k. Twenty-five hundredths of one percent, if such excess equals or exceeds thirteen percent of his average annual payroll.
2. If the total benefits chargeable against an employer's account for all periods prior to January first of such calendar year, including benefits paid on or before January first, with respect to weeks of employment compensated prior to January first, exceed the total contributions paid by such employer for the same period, including contributions paid on or before January thirty first with respect to wages paid prior to January first of the same year, his contribution rate for the ensuing calendar year shall be two and seven-tenths percent;
 3. No employer's rate for the period of twelve months commencing January first of any calendar year shall be less than two and seven-tenths percent unless the total assets of the fund, excluding contributions not yet paid at the beginning of such calendar year, exceed the total benefits paid from the fund within the last preceding calendar year; and no employer's rate shall be less than two percent unless such assets at such time were at least twice the total benefits paid from the fund within such last preceding year;
 4. No employer's rate shall be reduced below the standard rate for any calendar year unless and until he has had payroll subject to contribution in each of the three years preceding the computation date equal to at least twenty percent of the highest annual payroll in the three-year period.

Approved February 21, 1949.

CHAPTER 305

Senate Bill No. 121

(Streibel and Lynch at the request of the
Unemployment Compensation Division of North Dakota
Workmen's Compensation Bureau.)

CIVIL ACTION TO COLLECT UNEMPLOYMENT
CONTRIBUTIONS OR INTEREST

AN ACT

To amend and reenact section 52-0412 of the 1947 Supplement to the North Dakota Revised Code of 1943, of the Unemployment Compensation Law, relating to civil action to collect contributions or interest; priority of action on calendar; providing for judgments.

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

SECTION 1. AMENDMENT.) Section 52-0412 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0412. CIVIL ACTION TO COLLECT CONTRIBUTIONS OR INTEREST; PRIORITY OF ACTION ON CALENDAR; PROVIDING FOR JUDGMENTS.

1. After due notice, if any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by a civil action in the name of the bureau and the employer adjudged in default shall pay the cost of such action. Civil actions brought under this section to collect contributions or interest thereon, from an employer shall be heard by the court at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under chapter 6 of this title and cases arising under the workmen's compensation law of this state.
2. If any contributions payable by an employer under this act, or any portion thereof, are not paid within sixty (60) days after the same becomes due, the bureau may issue a certificate under its official seal, setting forth the amount of contributions due and interest accrued, directed to the sheriff of any county of the state, commanding him to levy upon and sell the real and personal property of the employer owing the same, found within his county, for the payment of the amount thereof, with the added penal-

ties, interest and costs of executing the same and to return such certificates to the bureau and to pay to the bureau the money collected by virtue thereof by a time to be therein specified, not more than ninety (90) days from the date of the certificate. The said sheriff shall, within five days after the receipt of the certificate, file with the clerk of the district court of his county a copy thereof and thereupon the said clerk of the district court shall enter in the judgment docket, in the column for judgment debtors, the name of the employer mentioned in the certificate, and in the appropriate columns the amount of contributions due and the penalties for which the certificate is issued and the date when such copy is filed and thereupon the amount of such certificate so docketed shall become a lien upon the title to and interest in real property or chattels real of the employer against whom it is filed in the same manner as judgment docketed in the office of such clerk. The said sheriff shall thereupon proceed upon the same in all respects, with like effect, and in the same manner prescribed by law in respect to executions issued against property upon judgment of a court of record, and shall be entitled to the same fees for his services in executing the certificate, to be collected in the same manner.

3. The remedies provided for in subsection 2 of this section shall be in addition to all other remedies.

Approved February 26, 1949.

CHAPTER 306

Senate Bill No. 122

(Streibel and Lynch at the request of the
Unemployment Compensation Division of North Dakota
Workmen's Compensation Bureau)

ADJUSTMENT AND REFUND OF UNEMPLOYMENT
CONTRIBUTIONS

AN ACT

To amend and reenact section 52-0414 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to adjustment and refund of contributions.

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

SECTION 1. AMENDMENT.) Section 52-0414 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0414. ADJUSTMENT AND REFUND OF CONTRIBUTIONS.) Not later than three years after the date on which any contributions or interest thereon was paid, if the employer that paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the bureau shall determine that such contributions or interest or any portion thereof was collected erroneously, the bureau shall allow such employer to make an adjustment thereof without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the bureau shall refund said amount, without interest, from the fund. For like cause and within the same period, an adjustment or refund may be made on the bureau's own initiative.

Approved February 26, 1949.

CHAPTER 307

Senate Bill No. 98
(Rue and Streibel)

DEFINING EMPLOYMENT, OLD AGE & SURVIVOR INSURANCE

AN ACT

To amend and reenact subdivision B of section 52-0920 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to term "employment" and exceptions thereto, as said term is used in Title 52, Chapter 9, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subdivision B of section 52-0920 of the 1947 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 Act, except:

1. Any service performed in the employ of any employer which has as of the effective date of this Act 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.

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

Approved February 10, 1949.

CHAPTER 308

House Bill No. 32

(Legislative Research Committee)

(at the request of the Unemployment Compensation Division)

RATES, OVERPAYMENTS, REFUNDS, OLD AGE AND
SURVIVOR INSURANCE

AN ACT

To amend and reenact sections 52-0909, 52-0910 and 52-0921 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to taxes levied under the old age survivor insurance system and refunds thereof.

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

SECTION 1. AMENDMENT.) Section 52-0909 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0909. RATE OF CONTRIBUTIONS.) 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 per centum of the wages to be paid by each employer and each employee. The tax imposed by this chapter shall be collected by the employer from the employee by deducting the amount of the tax from the wages as and when paid.

SECTION 2. AMENDMENT.) Section 52-0910 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0910. OVERPAYMENTS.) In any case in which the bureau finds the employer or employee has paid taxes, which have been erroneously paid, and has filed an application for an adjustment thereof, the bureau shall make such adjustment, compromise, or settlement and make such refund of such payments as it finds just and equitable in the premises. Refunds so made shall be charged to the fund to which the erroneous collections have been credited and shall be paid to the claimant without interest. Any claim for such refund may be made within three years of date of payment and not thereafter. For like time and cause, adjustments, compromises or refunds may be made by the bureau on its own initiatives.

SECTION 3. AMENDMENT.) Section 52-0921 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

52-0921. REFUNDS.)

- A. Any individual or any widow, child, or parent of a deceased individual whose employment has been insufficient to establish benefit rights under this law and who is neither fully nor currently insured may upon request withdraw from the fund the total of the employee's individual contributions paid to said fund without interest.
- B. Request for refunds from the fund may be made within thirty (30) days after the date of mailing or delivery of a final statement of wages paid to the employee and not thereafter.

Approved March 8, 1949.

CHAPTER 309

House Bill No. 343
(Brickner by request)

DEFINING 'EMPLOYER', OLD AGE AND SURVIVOR
INSURANCE SYSTEM

AN ACT

To amend and reenact subdivision (1) of subsection C of section 52-0920 of the 1947 Supplement to the North Dakota Revised Code of 1943, providing for the general welfare of public employees by establishing an old age and survivor insurance system, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subdivision (1) of subsection C of section 52-0920 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- C. (1) The term "employer" means the state of North Dakota, the counties, municipalities, and all of the political subdivisions thereof and all of their departments and instrumentalities all hereinafter called political subdivisions excepting only those whose employees are now or may hereafter be covered by a retirement plan in which event such political subdivision may by election come under the provisions of this chapter in accordance with the regulations prescribed by the bureau.

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

Approved March 10, 1949.

STATE GOVERNMENT

CHAPTER 310

House Bill No. 139
(Braun and Sticka)

**LAND EXCHANGE BY STATE HISTORICAL SOCIETY, GAME
AND FISH DEPARTMENT, AND BOARD OF UNIVERSITY
AND SCHOOL LANDS, FOR LANDS HELD BY U. S. A.**

AN ACT

Authorizing the state of North Dakota to transfer and convey to the United States state school lands and other lands held by the state, for the use and benefit of the State Historical Society or for the use and benefit of the State Game and Fish department and any other lands owned by the State of North Dakota all of which lands are within the Theodore Roosevelt National Memorial Park, in exchange for lands lying outside of said Roosevelt Park, of not less than equal value; providing for appraisal of lands to be sold and conveyed; and declaring an emergency.

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

SECTION 1.) The state of North Dakota is hereby authorized to transfer and convey to the United States of America any lands situated within the Theodore Roosevelt National Memorial Park in the County of Billings, State of North Dakota, including state school lands and lands held by the State Historical Society or for the use and benefit of the State Game and Fish Department, such transfer and conveyance to be made in exchange for federal lands of not less than equal value situated outside of the Roosevelt National Memorial Park.

SECTION 2.) The lands to be conveyed to the United State of America and also the lands to be taken in exchange therefor, under this Act, shall be appraised by the County Superintendent of Schools, the County Auditor, and the Chairman of the Board of County Commissioners in the county where the land is situated, at its fair market value, but no state school lands shall be appraised and valued at less than \$10.00 per acre.

SECTION 3.) Conveyances made under this Act to the United States of America of state school lands shall be executed in the same form and manner as now provided by law for the sale and conveyance of state school lands, and conveyance by the state of

other lands under the provisions of this Act shall be executed on behalf of the State of North Dakota by the Governor and attested by the Secretary of State.

SECTION 4. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 9, 1949.

CHAPTER 311

Senate Bill No. 86
(Rue, Nordhougen and Duffy)

OIL, GAS, MINERAL AND ARCHEOLOGICAL RESERVATIONS BY THE STATE OF NORTH DAKOTA, ETC., AND RELEASE TO U. S. A., ITS AGENCIES OR AGENTS

AN ACT

Relating to oil, gas, mineral and archeological reservations by the state of North Dakota and its agencies and political subdivisions and authorizing the release of such reservations to the United States of America or any of its agencies or agents and declaring an emergency.

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

SECTION 1.) Whenever the United States of America or any of its agencies or agents shall desire or be required to acquire or approve title to lands owned by the state of North Dakota, or any of its agencies, the officers, boards, or commissions having power to convey such lands shall have power to convey the same free from any reservation of oil, gas and minerals and rights thereto, and free of reservations of archeological materials.

SECTION 2.) Whenever the state of North Dakota, or any of its agencies, shall have conveyed lands to any person and shall have reserved oil, gas or minerals or rights therein or archeological materials and the United States of America, or any of its agencies, or agents shall desire or be required to acquire or approve title to such lands, the officers, boards, or commissions which shall have originally conveyed such lands, or the successors in power to such officers, boards, or commissions shall be authorized to release to the United States of America or its agency or agent everything so reserved. The officer, board, or commission having power so to release shall have full power to fix and deter-

mine the consideration, if any, and terms upon which such release shall be given and any moneys or other consideration received for such releases shall be covered into the fund for the benefit of which such reservations were made.

SECTION 3.) Whenever the United States of America or any of its agencies or agents shall desire or be required to acquire or approve title to lands owned by any county, the board of county commissioners shall have power to convey the same free from any reservation of oil, gas and minerals and rights thereto, and free of reservations of archeological materials.

SECTION 4.) Whenever any county shall have conveyed lands to any person and shall have reserved oil, gas or minerals or rights therein or archeological materials and the United States of America or any of its agencies or agents shall desire or be required to acquire or approve title to such lands, the board of county commissioners shall be authorized to release to the United States of America or its agency or agent, everything so reserved. Such board of county commissioners shall have full power to fix and determine the consideration, if any, and terms upon which such release shall be given and any moneys or other consideration received for such release shall be covered into the fund for the benefit of which such reservations were made.

SECTION 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 February 26, 1949.

CHAPTER 312

Senate Bill No. 83

(Reinke, Olson of Barnes, Sandness, Leno, Axel Olson and Tuff)

LIVING EXPENSES MEMBERS LEGISLATIVE ASSEMBLY

AN ACT

To amend and reenact Section 1 of Chapter 72 of the Session Laws of 1945, numbered in the 1947 Supplement as Section 54-0320, providing for allowance to members of the Legislative Assembly, making an appropriation; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 1 of Chapter 72 of the Session Laws of 1945, numbered in the 1947 Supplement as Section 54-0320, is hereby amended and reenacted to read as follows:

SECTION 1. ALLOWANCE FOR LIVING EXPENSES OF MEMBERS OF LEGISLATIVE ASSEMBLY.) Each member of the legislative assembly of the State of North Dakota shall be entitled to, and shall receive the sum of Six Hundred Dollars (\$600.00) as reimbursement for his living expenses for each legislative session including the present session, the sum of Six Hundred Dollars (\$600.00) payable as follows: One half of said sum payable at the end of the thirtieth day of the session and the remaining one half thereof to be paid at the close of the legislative session. Said sum shall be paid in the same manner as the regular per diem of the members of the legislative assembly is paid.

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

SECTION 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 3, 1949.

CHAPTER 313

House Bill No. 28

(Legislative Research Committee)
(at the request of the State Auditing Board)

MILEAGE AND TRAVEL EXPENSE, STATE OFFICERS
AND EMPLOYEES

AN ACT

To amend and reenact section 54-0609 of the North Dakota Revised Code of 1943, relating to mileage and travel expenses of state officers and employees and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 54-0609 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-0609. MILEAGE AND TRAVEL EXPENSE OF STATE OFFICERS AND EMPLOYEES.) State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense shall be allowed and paid for mileage and travel expense the following amounts:

1. The sum of seven and one-half cents per mile for each mile actually and necessarily traveled within this state in the performance of official duty when such travel is by motor vehicle, private airplane, or by team, but when any such motor vehicle, airplane, or team is owned by the state or by any department or political subdivision thereof, no allowance shall be made or paid for such mileage;
2. When travel is by rail or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.

Before any allowance for any such mileage or travel expense shall be made, the official, deputy, assistant, clerk, or other employee shall file with the state auditor an itemized statement showing the mileage traveled, the days when and how traveled and the purpose thereof, verified by his affidavit. The statement shall be submitted to the state auditing board for approval and shall be paid only when approved by said board.

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

Approved February 9, 1949.

CHAPTER 314

House Bill No. 166
(Seibel, Callahan, Schuler and Holand)

SALARIES APPOINTIVE STATE OFFICERS AND EMPLOYEES

AN ACT

To amend and reenact sections 6-0111, 12-4708, 15-0203, of the North Dakota Revised Code of 1943 and sections 5-1707, 6-0116, 18-0101, 19-0103, 20-0203, 20-0207, 20-0209, 20-0212, 24-0206, 25-0205, 27-0303, 38-0304, 39-0202, 54-2104, 54-2106, 65-0202 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to salaries of state officers and employees.

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

SECTION 1. AMENDMENT.) Section 4-1707 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

4-1707. SALARIES OF DAIRY COMMISSIONER AND ASSISTANTS.) The dairy commissioner and the assistant dairy commissioners shall receive the salaries fixed by the commissioner of agriculture and labor within the limits of the legislative appropriation.

SECTION 2. AMENDMENT.) Section 6-0111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows

6-0111. SALARY OF STATE EXAMINER.) The salary of the state examiner shall be, for each biennium, the amount appropriated therefor by the legislative assembly. He shall be allowed in addition thereto his necessary and actual expenses incurred in the discharge of his official duties. His salary and expenses shall be audited and paid in the manner in which the salary and expenses of state officers are paid.

SECTION 3. AMENDMENT.) Section 6-0116 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0116. SALARIES OF STATE EXAMINER'S DEPUTIES.) The salary of the chief deputy examiner and the salary of each other deputy shall be fixed by the state examiner within the limits of the legislative appropriation for such salaries. In addition to the amounts herein specified, each deputy shall be allowed his actual and necessary traveling expenses when engaged in the discharge of his duties. The salaries of all clerks, stenographers, and other assistants shall be fixed by the state examiner within the limits of the legislative appropriation therefor.

SECTION 4. AMENDMENT.) Section 15-0203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0203. COMMISSIONER, SALARY.) The annual salary for services rendered in his official capacity by the commissioner of university and school lands shall be the amount appropriated therefor by the legislative assembly.

SECTION 5. AMENDMENT.) Section 18-0101 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

18-0101. COMMISSIONER OF INSURANCE IS EX-OFFICIO FIRE MARSHAL: APPOINTMENT AND SALARY OF DEPUTIES: EMPLOYMENT OF ASSISTANTS.) The commissioner of insurance shall be ex-officio state fire marshal, shall have the management, control, and supervision of the fire marshal department, and shall perform the duties imposed on the state fire marshal by the provisions of this chapter. He shall appoint one or more deputies whose salaries shall be within the limits of legislative appropriations made from time to time therefor. Before entering upon his duties, each

deputy appointed under this section shall give a bond to the state of North Dakota in the penal sum of five thousand dollars conditioned for the faithful discharge of his duties and shall take and subscribe the constitutional oath of office and file the same in the office of the secretary of state. With the approval of the commissioner of insurance and within the limits of the legislative appropriations, such deputies may employ any help necessary to maintain the fire marshal department.

SECTION 6. AMENDMENT.) Section 19-0103 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0103. DIRECTOR OF DEPARTMENT; APPOINTMENT; BOND; OATH; SALARY.) The commission shall appoint a director of the department who shall serve at the will of the commission. He shall act as secretary of the commission and shall keep such minutes and books as the commission shall determine. Subject to the supervision of the commission, he shall have general charge of the department. Before assuming the duties of his office, he shall furnish a bond in the sum of twenty-five thousand dollars for the faithful performance of his duties and the proper accounting for all moneys collected in his office. The premium for such bond shall be paid as an expense of the department. The director shall take the oath of office and file the same in the manner required of other state officers. He shall receive an annual salary of such amount as appropriated therefor by the legislative assembly.

SECTION 7. AMENDMENT.) Section 20-0203 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0203. COMPENSATION AND EXPENSES OF COMMISSIONER; AUDIT AND PAYMENT.) The salary of the commissioner for all services performed in any capacity whatever shall be, for each biennium the amount appropriated therefor by the legislative assembly together with the actual and necessary expenses incurred by him in the performance of the duties of his office. His salary and expenses shall be paid out of the game and fish fund and shall be audited and paid in the same manner as the salary and expenses of other state officers.

SECTION 8. AMENDMENT.) Section 20-0207 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0207. COMPENSATION AND EXPENSES OF DEPUTY COMMISSIONER; AUDIT AND PAYMENT.) The salary of the deputy commissioner for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly together with the actual and necessary expenses incurred by him in the performance of the duties of his

office. His salary and expenses shall be audited and paid in the same manner as the salary and expenses of state officers.

SECTION 9. AMENDMENT.) Section 20-0209 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0209. COMPENSATION AND EXPENSES OF CHIEF GAME WARDEN.) The salary of the chief game warden for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly together with the actual and necessary expenses incurred by him in the performance of the duties of his office.

SECTION 10. AMENDMENT.) Section 20-0212 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0212. COMPENSATION AND EXPENSES OF DISTRICT DEPUTY GAME WARDENS.) The salary of each regular district deputy game warden for all services performed in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly together with the actual traveling expenses incurred by each in the performance of his duties.

SECTION 11. AMENDMENT.) Section 24-0206 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0206. SALARY OF HIGHWAY COMMISSIONER.) The commissioner shall receive a salary in such sum as shall be appropriated from time to time by the legislative assembly. He also shall receive his expenses actually and necessarily incurred in the performance of the duties of his office.

SECTION 12. AMENDMENT.) Section 25-0205 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0205. SUPERINTENDENT TO POSSESS CERTAIN QUALIFICATIONS; ASSISTANT SUPERINTENDENT AND ASSISTANT PHYSICIAN; SALARIES.) The superintendent of the state hospital must be a graduate of a reputable medical college and a physician of acknowledged skill and ability. He shall appoint an assistant superintendent and one or more assistant physicians each of whom must possess the qualifications required of the superintendent. The superintendent, assistant superintendent, and assistant physician or physicians shall be styled the resident officers of the state hospital, shall reside therein, and shall be governed by the laws and by-laws of the institution. The salaries of such resident officers shall be fixed by the board, within the limits of the legislative appropriation made for such purpose.

SECTION 13. AMENDMENT.) Section 27-0303 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0303. SALARY OF CLERK OF SUPREME COURT.) The salary of the clerk of the supreme court, for each biennium, shall be the amount appropriated therefor by the legislative assembly.

SECTION 14. AMENDMENT.) Section 38-0304 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

38-0304. SALARY OF INSPECTOR.) The salary of the coal mine inspector for each biennium shall be the amount appropriated therefor by the legislative assembly. He shall be allowed in addition thereto his necessary mileage and traveling expense incurred in the performance of official duties as provided by section 54-0609 of the North Dakota Revised Code of 1943 and actual living expenses when absent from his office in the performance of official duties as provided by section 44-0804 of the North Dakota Revised Code of 1943, upon claims properly certified and supported by sub-vouchers or receipts as provided by section 54-1404 of the North Dakota Revised Code of 1943.

SECTION 15. AMENDMENT.) Section 39-0202 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-0202. SALARY AND EXPENSES OF REGISTRAR.) The salary of the registrar for all services rendered in any capacity whatever shall be, for each biennium, the amount appropriated therefor by the legislative assembly. He shall be allowed in addition thereto his necessary and actual expenses incurred in the discharge of his official duties.

SECTION 16. AMENDMENT.) Section 54-2104 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-2104. SALARY, MILEAGE, AND TRAVEL EXPENSE OF MEMBERS OF THE BOARD OF ADMINISTRATION.) The salary of each appointive member of the board shall be in such amount as is appropriated therefor, from time to time by the legislative assembly. Each appointive member and each officer and employee of the board in the performance of official duties shall receive the same mileage and expenses as are allowed to other state officers. No travel expense shall be allowed for travel outside of the state unless authority therefor first has been granted by a resolution of the board stating the reasons and purposes of such trip. The resolution shall have endorsed on it the approval of the governor.

SECTION 17. AMENDMENT.) Section 54-2106 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-2106. SECRETARY AND EMPLOYEES OF BOARD; COMPENSATION REMOVAL.) The board may employ a secretary. His salary shall be in such amount as is appropriated therefor from time to time by the legislative assembly. It may employ such other administrative assistants, officers, business managers, accountants, and employees as may be necessary, and to fix the compensation of the same within the appropriation made for such purpose. The board may remove any such employee when, in its judgment, the public service demands it.

SECTION 18. AMENDMENT.) Section 65-0202 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0202. OATH OF OFFICE; SALARY.) Before commencing to perform his duties, each commissioner shall file an oath of office in the usual form and shall be bonded by the state bonding department in the sum of five thousand dollars for the faithful discharge of his duties as such commissioner and the proper accounting for all moneys received by him as such officer. Each commissioner shall receive as salary such amount as shall be appropriated therefor by the legislative assembly.

SECTION 19. AMENDMENT.) Section 12-4708 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

12-4708. SALARY OF WARDEN AND OTHER OFFICERS.) The warden shall receive a salary to be fixed by the board of administration within the limits of the legislative appropriation. All other officers and employees of the penitentiary shall receive such amounts as the board of administration from time to time may determine and establish.

Approved February 25, 1949.

CHAPTER 315

House Bill No. 269

(Graham, Stormon of Ramsey, Gumeringer, Leet)

CANCELLATION STATE HEALTH DEPARTMENT CHECKS
OVER SIX YEARS OLD

AN ACT

Providing for the cancellation of checks issued by the State Department of Health, which are more than six years old and deposit to general fund and subsequent payment.

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

SECTION 1. CHECKS OF THE STATE DEPARTMENT OF HEALTH ; CANCELLATION ; DEPOSIT TO GENERAL FUND.) The state health officer, at the beginning of each fiscal year, shall prepare a list of the checks of the state department of health drawn on various depositories, which are more than six years old and remain outstanding and unpaid, and shall show the number, date, payee, with address of payee if available, amount, bank on which drawn and fund against which said check was drawn. A copy of such list with a check for the total amount thereof drawn on the bank on which the listed checks were drawn shall be delivered to the state treasurer and the amount thereof shall be credited to the general fund.

SECTION 2. SUBSEQUENT PAYMENT.) In the event such check or checks is at any subsequent time presented for payment, the holder thereof shall execute a voucher for the amount, to which shall be attached the original check or other satisfactory evidence of ownership of such check. The voucher when approved by the state auditing board shall be paid by a state auditor's warrant drawn on the general fund.

Approved February 28, 1949.

CHAPTER 316

House Bill No. 29

(Legislative Research Committee)
(at the request of the State Auditing Board)

CLAIMS AGAINST STATE; FILING; VERIFICATION

AN ACT

To amend and reenact section 54-1404 of the North Dakota Revised Code of 1943, relating to claims against state filed with state auditing board and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 54-1404 of 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 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.

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

Approved February 8, 1949.

CHAPTER 317

Senate Bill No. 99
(Committee on Appropriations)

EMERGENCY COMMISSION; ADDITIONAL MEMBERS; DUTIES
AN ACT

To amend and reenact section 54-1601 of the North Dakota Revised Code of 1943, relating to Emergency Commission: members; organization; meetings; duties.

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

SECTION 1. AMENDMENT.) Section 54-1601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-1601. EMERGENCY COMMISSION: MEMBERS; ORGANIZATION; MEETINGS; DUTIES.) The emergency commission shall consist of the governor, the commissioner of agriculture and labor, and the secretary of state. Whenever an allocation or allocations out of the state contingency fund in excess of \$10,000, during the biennium, is to be made to any institution or department of government, the chairman of the senate appropriations committee and the chairman of the house of representatives appropriations committee shall be members of the emergency commission. The

governor shall be chairman of the commission, and the secretary of state, the secretary. The emergency commission shall meet upon the call of the chairman. The commission shall exercise the powers and perform the duties imposed upon it by law.

Approved March 7, 1949.

CHAPTER 318

Senate Bill No. 183
(Streibel)

CONVEYANCE CAPITOL GROUNDS TRACT TO BAPTIST
OLD PEOPLE'S HOME

AN ACT

Authorizing the Board of Administration to convey and release to the Baptist Old People's Home, a North Dakota Corporation, a certain tract in the southeast corner of the Capitol grounds.

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

SECTION 1.) The board of administration of the state of North Dakota is hereby authorized to convey to the Baptist Old Peoples' Home, a North Dakota corporation, the following described real property, to-wit:

All of block thirty-six, of Capitol Park Addition to the town-site of Bismarck, North Dakota, except lots one and two and thirty-one and thirty-two and the north fifteen feet of lots three and thirty of said block thirty-six,

for the consideration of ten dollars, such conveyance to be free of all reservations, restrictions or right of reversion.

Approved March 8, 1949.

CHAPTER 319

House Bill No. 337

(Stormon of Rolette through Delayed Bills Committee)

SALE ETC. ROLETTE COUNTY LOT BY BOARD OF
ADMINISTRATION

AN ACT

Authorizing the board of administration to sell and convey to Northwest Inner Mission Society, a religious and charitable corporation, not to exceed five acres at ten dollars per acre, a part of lot 3 of section 19, township 162, north of range 72 west, in Rolette County, North Dakota, to be used as an Indian children's playground in connection with such institution.

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

SECTION 1.) The board of administration of the state of North Dakota is hereby authorized to sell and convey to the Northwest Inner Mission Society, a religious and charitable corporation, in the county of Rolette and state of North Dakota, not to exceed five acres situated in the northwest corner of lot 3 of section 19, township 162, north of range 72 west in Rolette county, North Dakota, at the purchase price of ten dollars per acre.

SECTION 2.) The deed of conveyance by which such tract of land is conveyed to said Northwest Inner Mission Society shall be in form approved by the attorney general and shall be executed by the state board of administration by its president and attested by its executive secretary.

Approved March 10, 1949.

CHAPTER 320

Senate Bill No. 236
(Delayed Bills Committee)

STATE LIBRARY COMMISSION, ACCEPTANCE, ETC
FEDERAL FUNDS

AN ACT

Authorizing the State Library Commission to accept and disburse grants of federal funds.

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

SECTION 1.) The state library commission is hereby authorized to accept and to expend in accordance with the terms thereof any grant of federal funds which may become available to the state for library purposes. For the purpose of qualifying to receive such grants, the state library commission is authorized to make such applications and reports as may be required by the federal government as a condition thereto.

Approved March 8, 1949.

CHAPTER 321

Senate Bill No. 170
(Appropriations Committee)

APPROPRIATIONS STATE CHARITABLE, PENAL AND
EDUCATIONAL INSTITUTIONS

AN ACT

To amend and reenact section 54-27092 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to appropriations for buildings, additions to buildings and permanent improvements for state charitable, penal and educational institutions.

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

SECTION 1. AMENDMENT.) Section 54-27092 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-27092. APPROPRIATIONS FOR CERTAIN BUILDINGS AND IMPROVEMENTS NOT TO REVERT IF UNUSED.) The appropriations made by the thirtieth and any subsequent legislative assembly of the state

of North Dakota for buildings, additions to buildings, and permanent improvements for all charitable, penal, and educational institutions of the state of North Dakota, shall constitute permanent funds for such purposes, and any balance that may remain in any such appropriation at the end of the biennium for which it was appropriated shall not revert to the general fund, but shall constitute a permanent fund available for use for the designated purpose until expended, any provision in such appropriation measures to the contrary notwithstanding.

Approved March 8, 1949.

CHAPTER 322

(SEE SECTION 7 — PARTIAL VETO)

Senate Bill No. 1
(Legislative Research Committee)

VETERANS ADJUSTED COMPENSATION BONDS
PARTIAL VETO

AN ACT

To provide for the issuance, sale and delivery of general obligation bonds of the state of North Dakota in the principal amount not exceeding twenty-seven million dollars for payment of adjusted compensation to North Dakota veterans of World War II; to provide tax levies and transfers of moneys to pay such bonds, making appropriations, and declaring an emergency.

March 16, 1949

The Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota
Dear Mr. Hall:

Transmitted herewith with my approval is Senate Bill No. 1 subject, however, to a veto of two distinct items making appropriations.

First, near the end of the first paragraph of Section seven I veto the appropriation of income tax revenue, to wit, "There is hereby appropriated and the state treasurer is authorized in like manner to transfer from the general fund the proceeds of the veterans' adjusted compensation income tax provided for by Senate Bill No. 214 of the 31st Legislative Assembly of 1949 to the sinking fund established under the provisions of this Act for payment of such bonds."

Second, I veto the last paragraph of Section seven making an appropriation out of the general fund, to wit, "In addition to the appropriations herein made, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of two and one-half million dollars (\$2,500,000.00) for the sinking fund established under the provisions of this act for the payment of bonds as provided for herein, and the state treasurer is hereby authorized and directed to transfer said sum of two and one-half million dollars (\$2,500,000.00) into said fund."

Yesterday I vetoed Senate Bill No. 214, thereby leaving no income tax revenue to be appropriated in this bill.

Appropriations out of the general fund already approved will use the estimated income for the next two years plus most of the present balance. It would therefore be unwise to make this appropriation.

Present estimates indicate that the minimum taxes still provided for in this bill and companion bills will produce enough revenue in six and one-half years together with the approved cash transfers of \$7,000,000.00 to give a sufficient sinking fund to fully retire the entire bond issue.

Respectfully submitted,
FRED G. AANDAHL
Governor

FGA :ah

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

SECTION 1. DESIGNATION OF BONDS.) Bonds to be issued under the provisions of this act shall be known as state of North Dakota general obligation bonds, veterans of World War II adjusted compensation series.

SECTION 2. AUTHORITY FOR ISSUING BONDS OF NORTH DAKOTA VETERANS ADJUSTED COMPENSATION SERIES; PURPOSE OF ISSUE.) An issue of not to exceed twenty-seven million dollars general obligation bonds of the state of North Dakota is hereby authorized and directed under the conditions, in the manner and for the purpose stated in the amendment to the constitution of North Dakota, adopted by the thirtieth legislative assembly of the state of North Dakota as house concurrent resolution X and approved by the people at the primary election held on June 29, 1948. in this act and in the generally applicable provisions of the constitution and statutes of the state of North Dakota. The preparation, handling, issuance, sale and delivery of such issue of bonds shall be under the supervision and control of the industrial commission

of North Dakota, which commission is hereby authorized and directed to negotiate a satisfactory sale of such issue of bonds as soon after the effective date of this act as reasonably may be. Such issue of bonds is authorized for the sole purpose of providing funds to be used in payment of adjusted compensation to North Dakota veterans of World War II on the basis of term of service. The governor shall have no veto power on the industrial commission for the purposes of this act, a majority thereof shall govern.

SECTION 3. PREPARATION OF BONDS.) Bonds issued under this Act shall be executed by the governor and by the state treasurer under the great seal of the state of North Dakota and shall be attested by the secretary of state. The state auditor and secretary of state shall endorse and sign, on each bond issued, a certificate showing that such bond is issued pursuant to law and is within the state debt limit. The manner and form of execution shall be determined by the industrial commission. The issue of bonds under this act shall be of serial maturities, and the industrial commission shall fix the maximum rate of interest they shall bear. The first installment of principal of the bonds sold at any one time shall fall due not more than two years from the date of the bonds and the last installment shall fall due not more than fifteen years after date of first issue. Annual installments of principal shall be such that the increase thereof from year to year approximately shall equal the decrease from year to year of the amount of interest on unpaid bonds, so that the aggregate of principal and interest shall be approximately equal year by year. All bonds issued under this act shall be in denominations of one thousand dollars each and shall be fully negotiable with semiannual interest coupons attached. Bonds issued under this act shall not be callable prior to maturity. All bonds issued under this act shall contain a provision that interest thereon shall cease at maturity unless the holder thereof shall present the same for payment and payment is refused. The principal and interest of bonds issued under this act shall be payable at the office of the state treasurer in Bismarek, North Dakota, or at the Bank of North Dakota, or at a bank or trust company in the city of Chicago or in the city of New York, as the industrial commission may determine.

SECTION 4. SALE AND DELIVERY OF BONDS BY INDUSTRIAL COMMISSION; DEPOSIT OF PROCEEDS.) The industrial commission shall act as agent of the state for the negotiation, sale and delivery of all bonds issued under this act. Such bonds shall be sold in whole or in part from time to time for cash at not less than par and accrued interest to the best advantage of the state. In offering such bonds for sale, the industrial commission shall reserve the right to reject any or all bids therefor. Purchasers and holders of such bonds may have ownership registered in the office

of the state treasurer. All of the proceeds of such bonds shall be received by the industrial commission and by it placed in a separate fund in the state treasury in the custody of the state treasurer to be used only for the purpose for which such bonds are issued.

SECTION 5. BONDS TAX EXEMPT.) All bonds issued under the provisions of this act and interest thereon shall be exempt from all state, county and municipal taxes.

SECTION 6. BONDS A GENERAL OBLIGATION OF THE STATE OF NORTH DAKOTA.) Upon receipt of payment therefor, the industrial commission shall deliver to each purchaser of bonds issued under this act, the bonds by him purchased, and upon the delivery of such bonds the full faith and credit and unlimited taxing resources of the state of North Dakota shall stand pledged for the punctual payment of each and all of such bonds and the interest thereon to the lawful holder and owner thereof as the same become due and are presented for payment.

SECTION 7. APPROPRIATION FROM FIRST MONEYS IN GENERAL FUND.) Upon the sale and delivery of the bonds issued under this act there is appropriated and the state treasurer is authorized to transfer the sum of one hundred thirty thousand dollars monthly, on the first day of each month, from the general fund in the state treasury to the sinking fund established under the provisions of this act for the payment of such bonds. The money so appropriated shall be a first charge upon any moneys in the general fund and such appropriation and transfer shall continue until such bonds and interest thereon have been paid or until the cash balance accumulated in the sinking fund is sufficient to pay all bonds then outstanding and interest thereon, and at such time the appropriation and transfer from the fund shall terminate.

VETO

There is hereby appropriated and the state treasurer is authorized in like manner to transfer from the general fund the proceeds of the veterans adjusted compensation income tax provided for by Senate Bill No. 214 of the 31st Legislative Assembly of 1949 to the sinking fund established under the provisions of this Act for payment of such bonds.

In addition to the appropriations herein made, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of two and one-half million dollars (\$2,500,000.00) for the sinking fund established under the provisions of this act for the payment of bonds as provided for herein, and the state treasurer is hereby authorized and directed to transfer

said sum of two and one-half million dollars (\$2,500,000.00) into said fund. These two distinct items making appropriations are vetoed. 8:10 a. m. March 16, 1949. Fred G. Aandahl, Governor.

SECTION 8. TAX LEVY.) In each year commencing with the year this act takes effect and ending after all of the bonds issued under this act have been paid or funds have been collected for their payment, the industrial commission shall prepare a statement of the condition of the sinking fund for bonds issued under this act and shall determine the annual tax necessary to pay the interest and principal of such bonds becoming due and maturing year by year. The annual tax so determined shall be certified by the industrial commission to the state board of equalization in ample time to permit the levy thereof for such year, which board shall make a sufficient annual levy of property taxes against all of the taxable property in the state of North Dakota, which tax shall not be less than \$1,560,000.00 per year, and such tax shall be levied in an amount not less than that certified by the industrial commission year by year. The amount of tax certified each year by the industrial commission and the amount of tax levied each year by the board of equalization, shall be sufficient to maintain in the sinking fund balances adequate to pay all bonds maturing during at least two years next following and all interest charges coming due within such time, exclusive of the special reserve portion of such sinking fund, provided the initial two years levies may be used to accumulate such adequate balances.

SECTION 9. SINKING FUND; SPECIAL RESERVE ELEMENT.) The sinking fund for the payment of bonds issued under this act and interest thereon shall be established and maintained in the office of the state treasurer who shall be custodian of such fund and shall at all times maintain adequate records thereof. The state treasurer shall make reports of the condition of such sinking fund to the industrial commission on request. All taxes levied and all sums appropriated and transferred for the payment of bonds issued under this act shall be deposited in the sinking fund therefor and shall be disbursed by the state treasurer in payment of such bonds and interest thereon directly or through a paying agent to be designated by the industrial commission. In addition to taxes, there shall be placed in such sinking fund any amounts which are lawfully transferred thereto, and there is hereby appropriated and the state treasurer is hereby authorized and directed upon sale and delivery of such bonds to transfer to the sinking fund therefor the sum of five million dollars from the veterans' post-war rehabilitation reserve fund. The said sum of five million dollars shall be maintained in such sinking fund

as a reserve element to assure punctual payment of such bonds and the interest thereon. Should the servicing and payment of such bonds at any time result in impairment of said five million dollar reserve, the industrial commission shall certify additional annual property taxes, authorize the issuance of certificates of indebtedness against uncollected property taxes or otherwise make provision promptly to restore the integrity of said five million dollar reserve. The said five million dollars of veterans post war rehabilitation fund is hereby appropriated for the retirement of the final maturities of such bonds together with the interest thereon. On request of the industrial commission, the state treasurer shall supply any deficiency of such sinking fund out of any available moneys of the state in his custody, provided that all moneys so used shall be returned at the earliest practicable opportunity.

SECTION 10. TRANSFER OF BALANCE.) Upon the retirement of all bonds provided for in this act together with the interest thereon any balance remaining in the sinking fund shall be transferred by the treasurer to the veterans' aid fund.

SECTION 11. CERTIFICATES OF INDEBTEDNESS AGAINST UNCOLLECTED TAXES.) If at any time the balance in the sinking fund for bonds issued under this act is not sufficient to pay maturing bonds or interest when due, the state treasurer may borrow sufficient funds upon certificates of indebtedness of the state of North Dakota to cover payment of such portion of principal or interest as may be necessary. Such certificates may be issued in anticipation of collection of taxes, shall be signed by the governor and the state treasurer, shall mature not more than three years from date of issue, and shall bear interest at a rate to be determined by the industrial commission. Such certificates shall be retired from the collection of taxes and shall be eligible for purchase by the state of North Dakota and its several agencies and departments and the trust funds in their custody, except school trust funds.

SECTION 12. INVESTMENT OF SINKING FUND.) Moneys in the sinking fund for bonds issued under this act shall be deposited in the Bank of North Dakota and the Bank of North Dakota shall pay interest thereon as directed by the industrial commission. The earnings of investments of the five million dollar special reserve element of such sinking fund shall be paid into the veterans' aid fund heretofore established by law.

SECTION 13. PROTECTION OF PURCHASER.) The purchaser of any bonds issued under this act shall not be obliged to see to the application of the purchase price thereof but shall be protected

fully in paying for such bonds by the receipt of the industrial commission or of its agent delivering such bonds as herein provided.

SECTION 14. LIMITATION OF ACTION.) No action shall be brought or maintained in any court in this state questioning the validity of any bonds issued under this act, or of any tax levied for such bonds unless such action shall have been commenced within sixty days after the adoption of the resolution of the industrial commission awarding the sale of such bonds.

SECTION 15. TAXES IRREPEALABLE.) All taxes levied to pay bonds issued under the provisions of this act and interest thereon shall not be repealed until such bonds and interest are fully paid.

SECTION 16. APPROPRIATION FOR BONDS.) There is hereby appropriated the funds required for the payment of interest and principal of all bonds issued and sold under this act.

SECTION 17. 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 16, 1949.

CHAPTER 323

House Bill No. 289
(Langley and Stair)

COMPENSATION OF LEGISLATIVE RESEARCH COMMITTEE MEMBERS

AN ACT

To amend and reenact section 54-3510 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to compensation of members of the legislative research committee.

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

SECTION 1. AMENDMENT.) Section 54-3510 of the 1947 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-3510. COMPENSATION OF MEMBERS.) The members of the committee and the members of any subcommittee, shall be the committee and the members of any subcommittee of the committee, shall be compensated for the time spent in attendance at sessions of the committee and of its subcommittees at the rate of ten dollars per day and shall also be paid their actual expenses incurred in attending said meetings and in the performance of their official duties.

Approved February 21, 1949.

CHAPTER 324

Senate Bill No. 186
(Bridston, Duffy, Coghlan and Nordhougen)

NORTH DAKOTA INDIAN AFFAIRS COMMISSION

AN ACT

Creating the North Dakota Indian Affairs Commission, prescribing duties, making an appropriation and declaring an emergency.

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

SECTION 1.) 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, and the chairman of the boards of county commissioners of Sioux, Mercer, McLean, McKenzie, Dunn, Rollette, Benson 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 board 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.

SECTION 2.) The commission may employ an executive director who shall not be a member of the commission and such other clerical, professional and technical personnel, as it deems necessary, and shall prescribe their duties and fix their compensation.

SECTION 3.) In order that the state may be prepared and have the factual information needed to deal effectively with Indian affairs, provide aid and protection for Indians as needed, prevent undue hardships, assist in the integration of Indian citizens into modern economy, and coordinate state, local and federal programs relating to Indian affairs, the commission shall have the power and it shall be its duty,

1. To study, consider, accumulate, compile and assemble information on any phase of Indian affairs;
2. To formulate and develop proposals for the benefit of Indians who may be in need of assistance in securing employment in agriculture, business or other usual occupations, on a self-supporting basis;

3. To cooperate with and secure the assistance of the federal government or any agencies thereof, in formulating any such program, and coordinate such program, as nearly as may be possible, with any program regarding Indian affairs adopted or planned by the federal government to the end that the state may secure the full benefit of such federal program;
4. To investigate relief needs of Indians in North Dakota and to prepare plans for the alleviation of such needs;
5. To confer with officials and agencies of other governmental units and congressional committees with regard to Indian needs and the coordination of state, local and federal programs in regard thereto.

SECTION 4.) All public officers, both state and local, shall, upon request furnish the commission such available information as it may require for its purposes.

SECTION 5.) The commission or any subcommittee it may appoint may meet at such times and places as it may deem advisable. Meetings may be called by the chairman or by a call signed by a majority of the members of the commission. At any meeting of the commission a majority of the members shall constitute a quorum and a majority of such quorum shall have authority to act in any matter falling within the jurisdiction of the commission.

SECTION 6.) The commission, as soon as practicable, and not later than the first day of December, 1950, shall prepare and make public a report to the thirty-second legislative assembly setting forth the results of its study and its findings, conclusions and recommendations. It may submit recommendations in the form of proposed legislation or resolutions and may publish such additional reports from time to time as it may deem necessary.

SECTION 7.) There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty thousand dollars or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act. Expenditures shall be made upon voucher signed by the secretary of the commission.

SECTION 8. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 19, 1949.

STATE HISTORICAL SOCIETY AND STATE PARKS

CHAPTER 325

House Bill No. 137
(Braun and Sticka)

**LAND EXCHANGE BY STATE HISTORICAL SOCIETY AND
GAME AND FISH DEPARTMENT****AN ACT**

Authorizing the transfer and conveyance of certain lands held by the state of North Dakota for the use and benefit of the state historical society by the state historical society to the state of North Dakota for the use and benefit of the state game and fish commissioner in exchange for land of the state of North Dakota held for the use and benefit of the state game and fish commissioner by the state game and fish commissioner, and authorizing said commissioner to make the necessary transfer and conveyance to effect such exchange.

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

to transfer and convey certain lands held by the state of North Dakota for the use and benefit of said society to the state of

SECTION 1.) The state historical society is hereby authorized North Dakota for the use and benefit of the state game and fish commissioner in exchange for certain lands held by the state of North Dakota for the use and benefit of said commissioner, and the said commissioner is hereby authorized to make the necessary conveyance to transfer and convey lands held by the state of North Dakota for his use and benefit to the state of North Dakota for the use and benefit of the state historical society to effect such exchange. Such transfers may be made at any time the said society and said commissioner deem such exchange to be desirable for the benefit of said society and said commissioner respectively.

Approved March 9, 1949.

CHAPTER 326

House Bill No. 138
(Braun and Sticka)

LAND EXCHANGE BY STATE HISTORICAL SOCIETY AND
BOARD OF UNIVERSITY AND SCHOOL LANDS

AN ACT

Authorizing the transfer and conveyance of certain lands held by the state of North Dakota for the use and benefit of the state historical society by the state historical society to the state of North Dakota to constitute a part of the school lands of the state in exchange for lands of equal value constituting a part of the permanent school funds of said state, and authorizing the board of university and school lands to make the necessary transfer and conveyance to effect such exchange.

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

SECTION 1.) The state historical society is hereby authorized to transfer and convey certain lands held by the state of North Dakota for the use and benefit of said society to be acquired from the United States in exchange for lands now held in the Theodore Roosevelt National Memorial Park by the State for the use and benefit of the state historical society, to the state of North Dakota to constitute a part of the school lands of the state in exchange for lands of equal value, constituting a part of the permanent school funds of said state, and the board of university and school lands is hereby authorized to make the necessary transfer and conveyance to effect such exchange.

Approved March 9, 1949.

TAXATION

CHAPTER 327

Senate Bill No. 89
(Brant)

BOND OF STATE TAX COMMISSIONER

AN ACT

To amend and reenact section 57-0101 of the North Dakota Revised Code of 1943, relating to bond of tax commissioner.

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

SECTION 1. AMENDMENT.) Section 57-0101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-0101. BOND OF TAX COMMISSIONER.) The state tax commissioner shall be bonded in the sum of seventy-five thousand dollars as other state officers are bonded.

Approved March 7, 1949.

CHAPTER 328

House Bill No. 214
(Seibel)

PERSONAL PROPERTY TAX EXEMPTION CERTAIN PERSONS

AN ACT

To amend and reenact section 57-0221 of the North Dakota Revised Code of 1943 relating to personal property tax exemption for certain persons.

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

SECTION 1. AMENDMENT.) Section 57-0221 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-0221. TAX EXEMPTION PERSONAL PROPERTY OF CERTAIN PERSONS.) The assessor shall show upon his listing blank the name of every head of a family. For the purpose of this section,

any person who has one or more others dependent upon him for support, shall be regarded as the head of a family. If the total value of the personal property of such person at the time of assessment does not exceed one hundred dollars, and his total income during the preceding twelve months has been less than six hundred dollars, his personal property shall be exempt from taxation. After the assessor's valuation of such property shall have been equalized, the county auditor shall cause the names of such heads of families to be removed from the tax roll as exempt from personal property taxation. The personal property of any person who receives a major part of his income from any state or federal public assistance program shall be exempt from taxation and the name of such person, if certified to the county auditor by the county welfare board, shall be removed from the personal property tax roll.

Approved March 9, 1949.

CHAPTER 329

House Bill No. 245
(Link and Rolfsrud)

COUNTY TAX LEVY FARM TO MARKET ROAD

AN ACT

To amend and reenact sections 57-15061 and 57-15062 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to county tax levy for farm to market road, election therefor and the fund raised and use thereof.

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

SECTION 1. AMENDMENT.) Section 57-15061 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-15061. COUNTY TAX LEVY FOR FARM TO MARKET ROAD: ELECTION.) The board of county commissioners may call an election of the voters of the county to vote upon the question of levying a tax of not to exceed five mills upon the valuation of all taxable property within the county, for the purpose of matching federal funds available for federal-aid, secondary-aid and farm to market roads program under Public Law 521, 78th Congress of the United States. Such levy shall be approved by a majority of the electors voting at such election. Such levy shall be over and

above the maximum levy authorized by law. The additional levy that may be authorized under the provisions of this section shall be for the fiscal years 1949, 1950 and 1951 only.

SECTION 2. AMENDMENT.) Section 57-15062 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-15062. FARM TO MARKET ROADS' FUND; USE.) All moneys received from the levy provided for in section 57-15061 shall be placed in a separate fund to be known as "farm to market road's fund." Moneys from this fund shall be used only to match federal-aid, secondary-aid and farm to market road program.

Approved March 10, 1949.

CHAPTER 330

House Bill No. 146
(Committee on Education)

SPECIAL SCHOOL DISTRICT LEVIES FOR COUNTY AGRICULTURAL AND TRAINING SCHOOLS

AN ACT

Authorizing certain school districts to make special levies for the support of county agricultural and training schools.

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

SECTION 1. LEVIES FOR SUPPORT OF COUNTY AGRICULTURAL AND TRAINING SCHOOLS.) Any school district in which a county agricultural and training school is located which does not maintain a four year high school shall make a special levy not to exceed the difference between the maximum base levy limit otherwise allowed by law for such district and the maximum base levy limit for a school district giving four years of standard high school work. Such levy shall not be limited by the levy limitations otherwise provided by law for such district. Within the maximum prescribed by this act, the levy shall be sufficient to produce a sum equal to the per pupil cost at such school, after deducting state and federal aid, times the number of pupils attending such school from the district. The revenue produced by such special levy shall be paid into the treasury of the county agricultural and training school and may be used for either general or building purposes.

Approved February 28, 1949.

CHAPTER 331

Senate Bill No. 145
(Troxel and Schrock)

DISPOSITION OF SCHOOL BUILDING FUND

AN ACT

To amend and reenact subsection 3 of section 57-1517 of the North Dakota Revised Code of 1943, relating to disposition of school building fund.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 57-1517 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1517. DISPOSITION OF BUILDING FUND TAX.) Revenues raised for building purposes shall be disposed of as follows:

3. The governing body of any school district may pay into the general fund of the school district any moneys which have remained in the school building fund for a period of ten years or more, and such district may include the same as a part of its cash on hand in making up its budget for the ensuing year. In determining what amounts have remained in said fund for ten years or more, all payments which have been paid from the school building fund for building purposes shall be considered as having been paid from the funds first acquired.

Approved March 8, 1949.

CHAPTER 332

House Bill No. 282

(Hofstrand, Leier, Langseth, Skaar, Leet, Haugen of McLean and Ekren)

COUNTY MILL LEVY FOR SCHOOLS

AN ACT

To amend and reenact sections 57-1524 and 57-1525 of the North Dakota Revised Code of 1943, relating to county school funds.

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

SECTION 1. AMENDMENT.) Section 57-1524 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1524. COUNTY MILL LEVY FOR SCHOOLS.) The county auditor, at the time the annual levy of taxes is made, shall levy a tax of ten mills on the dollar on all taxable property in the county for apportionment to and use by the school districts of the county as provided in section 57-1525.

SECTION 2. AMENDMENT.) Section 57-1525 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1525. COUNTY TUITION FUND; HOW CONSTITUTED.) The county tuition fund shall consist of the taxes collected by virtue of the ten mill levy made as provided by section 57-1524 and the balance remaining from collections of the per capita school tax under the provisions of section 57-1523 after the deductions made as provided in section 15-3923. Grants from the state equalization fund shall be converted into and become a part of the county tuition fund of each county.

SECTION 3. ELEMENTARY PER PUPIL PAYMENTS; AMOUNT.) There shall be paid out of the county tuition fund to the school districts of the county as elementary per pupil payments based on enrollment in such districts:

1. To districts maintaining one room rural schools, if the district is composed of eighteen sections of land or less, the sum of eight hundred dollars for ten pupils or less in a school;
2. To districts maintaining one room rural schools, if the district is composed of more than eighteen sections of land, the sum of twelve hundred dollars for ten pupils or less in a school;

3. To districts receiving payments under subsections 1 and 2 of this section, seventy dollars for each pupil in excess of ten in a school; and
4. To all other districts of the county, seventy dollars for each pupil.

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.

SECTION 4. CREDIT FOR TUITION PAID BY DISTRICT OR RESIDENCE.) A credit of seventy 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 \$70.00 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.

SECTION 5. CERTIFICATES MADE TO COUNTY SUPERINTENDENT OF SCHOOLS.) On or before July first of each year the clerk of each school district, shall certify to the county superintendent of schools the number of bona fide elementary students who actually were enrolled in the district during the preceding school year and who attended school in such district for ninety days or more during such year.

SECTION 6. COUNTY SUPERINTENDENT OF SCHOOLS DETERMINE PAYMENTS: APPEALS.) The county superintendent of schools shall determine from the certificates submitted to him by each school district or school, the elementary per pupil payments due each school district or school. In determining the payments due, he shall make such investigation as he deems necessary. If a payment is disallowed, in whole or in part, notice thereof and the reason for disallowance shall be given to the district or school on

or before August first. Any district or school may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before August fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district or school warrants a modification. The decision of the superintendent of public instruction shall be final.

SECTION 7. PAYMENT TO SCHOOLS AND SCHOOL DISTRICTS.) Not later than December first the county superintendent of schools shall certify to the county auditor a list of the school districts or schools entitled to elementary per pupil payments together with the amounts to which the several districts or schools are entitled. The county auditor shall pay one-half of the amount due to each district or school upon receiving such certificate, and shall pay the balance due on or before May fifteenth of each year. Payments shall be made by auditor's warrants drawn upon the county tuition fund to the respective school districts or schools. The payments shall be deposited in the general fund of the district or school.

SECTION 8. DISTRICTS IN MORE THAN ONE COUNTY.) If a school district embraces land in more than one county, the county superintendent of schools of the county in which the largest portion of the area of the school district is located shall determine the elementary per pupil payments for such district and shall certify to the auditor of each county the amount to be paid by such county which shall be in the same ratio as the number of pupils of the school district residing in such county bears to the total number of pupils of the district.

SECTION 9. SUPERINTENDENT OF PUBLIC INSTRUCTION; RULE MAKING POWER; PREPARATION OF BLANK FORMS.) The superintendent of public instruction may make such rules and regulations covering certification to the county superintendents of schools of the information and evidence required by the provisions of this Act and governing appeals from decisions of the county superintendents of schools as may be necessary. He shall prepare and distribute to the county superintendent of schools blank forms for the certificates from schools or school districts to the county superintendent.

SECTION 10. FRACTIONAL PAYMENTS.) The allocations made in this Act shall be the sole charge and claim upon and against all moneys coming into the county tuition fund. Should the money in the fund be insufficient to make all payments, the payments to the various school districts or schools shall be prorated on a fractional basis. When fractional payments are made, additional

payments may be made from time to time as sufficient moneys come into such fund, so as to make full payments under this Act.

SECTION 11. PENALTY FOR FALSE REPORT.) Any school official who shall falsify any report in connection with the administration of the county tuition fund shall be guilty of a misdemeanor.

Approved March 11, 1949.

CHAPTER 333

House Bill No. 16
(Legislative Research Committee)
(at the request of The North Dakota League of Municipalities)

TAX LEVY FOR CITY AIRPORTS

AN ACT

To provide for tax levy for airport purposes in cities.

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

SECTION 1. TAX LEVY FOR AIRPORT PURPOSES.) IN cities supporting airports for which no levy has been made by a park board or other taxing district within the corporate limits of such city, a levy in addition to all other levies permitted by law, not to exceed four mills on the net taxable valuation of property in such city, may be made for such purposes.

Approved February 15, 1949.

CHAPTER 334

Senate Bill No. 239
(Delayed Bills Committee)

DISCOUNT FOR EARLY PAYMENT OF TAXES

AN ACT

To amend and reenact section 57-2009 of the North Dakota Revised Code of 1943 relating to discount for early payment of taxes, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 57-2009 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-2009. DISCOUNT FOR EARLY PAYMENT OF TAX.) The county treasurer shall allow a five percent discount to all taxpayers who shall pay all of the real estate taxes levied on any tract or parcel of real property in any one year in full on or before February fifteenth prior to the date of delinquency. Such discount shall apply to all general real estate taxes levied for state, county, city, township, village, school district, and park district purposes, but shall not apply to personal property taxes, special assessment installments, or hail indemnity taxes. Whenever the county commissioners, by resolution, determine that an emergency exists in any county by virtue of weather or other catastrophe they may extend the discount period to March 15, 1949.

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

Approved February 15, 1949.

CHAPTER 335

House Bill No. 21

(Legislative Research Committee)

(at the request of The League of North Dakota Municipalities)

ALLOCATION OF TAXES IMPOSED ON CAR LINE, EXPRESS
AND AIR TRANSPORTATION COMPANIES

AN ACT

To amend and reenact section 57-3204 of the North Dakota Revised Code of 1943, relating to allocation of taxes imposed upon car line, express and air transportation companies.

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

SECTION 1. AMENDMENT.) Section 57-3204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3204. ALLOCATION OF TAX.) The taxes imposed by this chapter upon car line companies and express companies shall be levied for the purpose of providing revenue for the payment of interest due or to accrue upon outstanding North Dakota real estate series bonds, and the state treasurer shall collect such taxes and shall deposit the same monthly to the credit of "real estate bond interest payment fund" established by section 54-3014, and the state board of equalization shall consider the revenue derived from the administration of this chapter in determining the necessity and amount of any tax to be levied for the benefit of such fund. The taxes imposed by this chapter upon air transportation companies are hereby appropriated and shall within ninety days after receipt thereof be remitted by the state treasurer to the cities or villages where such air transportation companies make regularly scheduled landings upon the basis of the number of regularly scheduled landings made in such municipalities to be used exclusively by such municipalities for airport purposes. It shall be the duty of the tax commissioner to certify to the state treasurer the names of such air transportation companies, the municipalities where such scheduled landings are made, and the number of such scheduled landings in such municipalities.

Approved March 10, 1949.

CHAPTER 336

House Bill No. 47
(Legislative Research Committee)
(at the request of State Tax Commissioner)

CIGARETTE AND SNUFF TAX

AN ACT

To amend and reenact sections 57-3602, 57-3606, subsections 2 and 3 of section 57-3607, 57-3608, 57-3611, 57-3613 and subsection 2 of section 57-3620 of the North Dakota Revised Code of 1943, relating to tax on cigarettes and snuff and removing the tax on cigarette papers and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 57-3602 of 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 tax commissioner 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 tax commissioner on applications stating, on a form prescribed by the state tax commissioner, 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 tax commissioner 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 tax commissioner 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.

SECTION 2. AMENDMENT.) Section 57-3606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3606. AMOUNT OF TAX.) There are levied and assessed, and there shall be collected and paid to the state tax commissioner, upon all cigarettes, or snuff sold in this state, the following taxes, payment thereof to be made prior to the time of the sale and delivery thereof:

1. Class A. On cigarettes weighing not more than three pounds per thousand, one and one-half mills on each such cigarette;
2. Class B. On cigarettes weighing more than three pounds per thousand, two mills on each such cigarette; and
3. Class C. On snuff, two cents on each box containing not more than one and one-fourth ounces, and, on each box containing more than one and one-fourth ounces, two cents for each additional one and one-fourth ounce or major fractional part thereof.

SECTION 3. AMENDMENT.) Subsections 2 and 3 of section 57-3607 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

57-3607. PACKAGING; PRESUMPTION FROM POSSESSION; STAMPS TO BE AFFIXED.) Cigarettes and snuff shall be packaged and stamped as follows:

2. Immediately upon receipt by the licensee, each package of cigarettes or snuff, except as otherwise provided in this chapter, shall have affixed thereto securely a suitable stamp denoting the tax thereon, and such stamp shall be properly canceled prior to sale or removal for consumption, under such regulations as the tax commissioner shall prescribe.
3. Each package of snuff or cigarettes displayed, exhibited, stored, or possessed in original cartons or containers or otherwise, within or upon the premises from which sale thereof may be made to consumers shall be presumed conclusively to be intended for sale to consumers and to be displayed, exhibited, stored, or possessed for such purpose, and each package of snuff or cigarettes, at the

time the same is displayed, exhibited, stored, or possessed upon such premises, except as hereinafter provided, shall have affixed thereto securely a suitable stamp, or stamps, denoting the tax thereon. Such stamp or stamps shall be canceled as provided in this chapter, and the possession of any unstamped package of snuff or cigarettes, within or upon any premises, shall be prima facie evidence of a violation of this chapter.

SECTION 4. AMENDMENT.) Section 57-3608 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3608. STAMPS PREPARED BY COMMISSIONER.) The tax commissioner shall prepare and have suitable stamps for use on each kind of package prescribed in this chapter, and shall keep an accurate record of all stamps delivered, and a further accurate record of all stamps coming into and leaving his hands. The tax commissioner shall sell the stamps herein provided for only to dealers holding a "distributor's license," issued as provided in this chapter, and the moneys received from the sale of said stamps shall be turned into the general fund of the state, but wholesale distributors of cigarettes, cigarette papers, or snuff, located outside of this state, may apply for and receive a "distributor's license," as provided in section 57-3602, and may purchase stamps from the tax commissioner and affix the same on cigarettes, and snuff to be sold in this state, and shall cancel the same in the manner prescribed by the regulations of the tax commissioner. In such case, the purchaser within this state receiving such stamped cigarettes, or snuff will not be required to purchase and affix stamps thereon.

SECTION 5. AMENDMENT.) Section 57-3611 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3611. TAX METER MACHINES.) The tax commissioner, in lieu of selling stamps, may authorize any manufacturer or distributor located within or without the state to stamp cigarettes, or snuff with a tax meter machine, and, under such regulations as he shall prescribe, may provide for the leasing of a tax meter machine to any such manufacturer or distributor, and for supervising and checking the operation thereof. In such case, the tax commissioner shall collect and receive the tax prescribed by this chapter on all cigarettes, or snuff sold in or delivered to dealers in the state for sale, barter, gift, or any other purpose, and any cigarette, or snuff so stamped with a tax meter machine need not have affixed thereon stamps prescribed in this chapter, and the same may be possessed lawfully and sold by any wholesale or retail dealer in this state. Any manufacturer or distributor

who stamps cigarettes, or snuff with a tax meter machine, pursuant to the provisions of this section, shall be entitled to the discount provided for in section 57-3610.

SECTION 6. AMENDMENT.) Section 57-3613 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3613. UNLAWFUL TO TRANSPORT UNSTAMPED CIGARETTES, OR SNUFF.) It shall be unlawful for any person to transport into, receive, carry, or move from place to place in, this state, by automobile, truck, airplane, conveyance, vehicle, or other means of transportation, except in the course of interstate commerce, any unstamped cigarettes, or snuff, and any such automobile, truck, boat, airplane, conveyance, vehicle, or other means of transportation in which any cigarettes, or snuff are transported or carried in violation of this chapter, and any cigarettes, or snuff, and other equipment or personal property used as an incident to such transportation and found in such means of transportation, shall be subject to seizure by the tax commisioner, or by any sheriff or other police officer, with or without process, and shall be subject to forfeiture in the manner provided in section 57-3614.

SECTION 7. AMENDMENT.) Subsection 2 of section 57-3620 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3620. PENALTIES FOR VIOLATION OF CHAPTER.) Except as otherwise provided in this chapter:

2. Any consumer who purchases any package of cigarettes, or snuff, which does not bear the stamp or insignia placed thereon pursuant to the provisions of this chapter, and any person who shall use or consume within this state any cigarette, or snuff, unless the same shall be taken from a package or container having attached thereto the stamp or insignia required by this chapter, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars and not more than three hundred dollars, and the costs of prosecution, and shall be committed to the county jail until such fine and costs are paid, but for a period not exceeding six months;

SECTION 8. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 3, 1949.

CHAPTER 337

Senate Bill No. 220
(Committee on Finance and Taxation)

ADDITIONAL CIGARETTE TAX
AN ACT

Imposing a separate additional tax on cigarettes, providing for collection thereof into the general fund, providing a penalty for violation.

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

SECTION 1. SEPARATE ADDITIONAL TAX ON CIGARETTES; COLLECTION THEREOF.) There hereby is levied and assessed and there shall be collected by the proper officer and paid to the state treasurer for the general fund upon all cigarettes sold in this state, an additional tax, separate and apart from all other taxes, of one mill on each such cigarette, to be collected as existing taxes on cigarettes sold are or hereafter may be collected, by use of appropriate stamps and under similar accounting procedures.

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

Approved March 12, 1949.

CHAPTER 338

House Bill No. 175
(Brady and Brickner)

ESTATE TAXES; PAYMENT, APPRAISALS, TRANSFER
SECURITIES, NOTICE, ETC.

AN ACT

To amend and reenact sections 57-3715 and 57-3729 of the North Dakota Revised Code of 1943, relating to estate taxes.

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

SECTION 1. AMENDMENT.) Section 57-3716 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3716. APPRAISALS MADE AND TAXES PAYABLE AS OF DATE OF DEATH.) The tax imposed by this chapter shall be due and payable at the death of the decedent, and, if not paid within

fifteen months after the date of death, shall bear interest at the rate of six percent per annum to be computed from the expiration of fifteen months after death until the amount is paid. The transfer shall be deemed to take place at the time of death, and all appraisals shall be as of that date. Wherever there has been a taxable transfer prior to death on which the tax has not been paid, the property transferred shall be considered a part of the estate and shall be appraised as of the date of death of the decedent and taxed according to the laws then in force.

SECTION 2. AMENDMENT.) Section 57-3729 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3729. DEPOSITARIES; ATTENTION OF SECURITIES; EXEMPTION, HOW SECURED.) No safe deposit company, trust company, corporation, bank, or other institution or person having possession, control, custody, or partial control or custody, of any securities, deposits, or other assets, including shares of the capital stock of, or other interest in, such safe deposit company, trust company, corporation, bank, or other institution, standing in the name of a resident or non-resident decedent, or belonging to or standing in the joint name of such decedent and one or more other persons, shall deliver or transfer the same to the executor, administrator, or other legal representative, agent, deputy, attorney, trustee, legatee, heir, surviving joint owner, or any other successor in interest of such decedent, without retaining a sufficient amount of such assets to pay any tax which thereafter may be assessed thereon under this chapter, unless notice of the time and place of a proposed delivery or transfer of the assets is filed in the county court at least thirty days prior to delivery. The county court, however, by order, may direct a delivery of such assets, and such order shall relieve such safe deposit company, trust company, corporation, bank, or other institution or person from the obligation of retaining any portion of such assets and of giving notice of the delivery thereof. The county court may appoint appraisers as provided in section 57-3717 to examine and appraise such assets at the time of the delivery thereof. Provided, however, in the case of bank or savings accounts, or building and loan shares standing in the name of one or more persons, no fine, penalty or tax liability shall be assessed on account of the payment thereof to the survivor or survivors unless it is shown that such payment was knowingly and wilfully made in violation of the terms and provisions hereof.

Approved March 9, 1949.

CHAPTER 339

Senate Bill No. 234
(Day by request)

ESTATE TAX WHEN NO PROBATE PROCEEDING WITHIN STATE
AN ACT

Amending and reenacting section 57-3727 of the North Dakota Revised Code of 1943, relating to determination of taxes on estates when there is no probate proceeding within the state, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 57-3727 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3727. DETERMINATION OF TAX ON ESTATE WHEN THERE IS NO PROBATE PROCEEDING WITHIN THE STATE.) In the absence of administration in this state upon the estate of a nonresident, the tax commissioner, at the request of an executor or administrator duly appointed and qualified in the state of the decedent's domicile, or of a grantee under a conveyance made during the grantor's lifetime, and upon satisfactory evidence furnished by such executor, administrator, or grantee, or otherwise, may determine whether or not any property of said decedent within this state is subject to taxation under the provisions of this chapter, and if so, may determine the amount of the tax payable and may adjust the same with such executor, administrator, or grantee. For that purpose the tax commissioner may appoint an appraiser to appraise said property and the expenses of such appraisal shall be charged against such property in addition to the taxes. The tax commissioner's certificate as to the amount of such tax and the state treasurer's receipt for the amount therein certified may be filed in the probate office in the county where the property is located, and when so filed shall be conclusive evidence of the payment of the tax upon the said property. Whenever in such case the tax is not adjusted within four months after the death of the decedent, the proper county court, upon application of the tax commissioner, shall appoint an administrator in this state. If the property of any deceased resident is subject to taxation under the provisions of this chapter, and when, for any reason, no administration of said decedent's estate is being had, or likely to be had, within this state, the county court which would have jurisdiction of said property if an administration was being had shall, upon its own motion or upon the application of any interested party, proceed to

make determination of any tax liability in the same manner and with the same effect as if the determination were made in connection with an administration or determination of heirship. Provided, further, that if the circumstances render it impractical or impossible to determine values by the usual practice of three appointed appraisers, the court may hear such proof as is available and make its findings of value in lieu of an appraisal.

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

Approved March 8, 1949.

CHAPTER 340

Senate Bill No. 244

(Stucke)

INCOME TAX RECOGNITION OF GAIN ON INVOLUNTARY CONVERSION

AN ACT

Providing that gain shall not be recognized for income tax purposes on property involuntarily converted, and declaring an emergency.

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

SECTION 1.) If property, as a result of its destruction in whole or in part, theft, or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof, is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the commissioner, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain shall be recognized, but loss shall be recognized for income tax purposes. If any part of the money is not so expended, the gain, if any, shall be recognized to the extent of the money which is not so expended, regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain.

SECTION 2.) The provisions of this act shall be retroactive to January 1, 1947.

SECTION 3. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 12, 1949.

CHAPTER 341

House Bill No. 163

(Einarson, Dalzell, Halcrow, Westby, Power, Fugelstad, Holand, Luick, Anderson of Richland, Wollitz, Collette, McInnes, Walster and Langley)

RETAIL 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:

SECTION 1. DEFINITIONS.) The following words, terms and phrases, when used in this act, have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number;
2. "Sale" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration;
3. "Retail sale" or "sale at retail" means the sale to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property and the sale of steam, gas, electricity, water, and communicating service to retail consumers or users, and shall include the ordering, selecting or aiding a customer to select any goods, wares, or merchandise from any price lists or catalogue, which customer might order, or be ordered for such customer to be shipped directly to such customer. By the term "processing" as used in this act is meant tangible personal property that is used in manufacturing, producing or processing and which becomes an ingredient or component part of other tangible personal property and which latter tangible personal property becomes subject to the retail sales tax. The sale of an item of tangible per-

sonal property for the purpose of incorporating it in or attaching it to other real or personal property otherwise exempt from the sales tax shall for the purpose of this act be considered as a sale of tangible personal property for a purpose other than for processing;

4. "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect;
5. "Retailer" includes every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, electricity, water and communication services, and tickets or admission to places of amusement and athletic events as provided in this act, and shall include any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided, and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in the manner provided in this act;
6. "Gross receipts" means the total amount of the sales of retailers, valued in money, whether received in money or otherwise, provided, however, that discounts for any purposes allowed and taken on sales shall not be included, nor shall the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. Provided, however, that on all sales of retailers, valued in money, when such sales are made under conditional sales contract, or under other forms of sale wherein the payment of the principal sum thereunder be extended over a period longer than sixty days from the date of sale thereof that only such portion of the sale amount thereof shall be accounted, for the purpose of imposition of tax imposed by this act, as has actually been received in cash by the retailer during each quarterly period as defined herein;
7. "Relief agency" means the state, any county, city and county, city or district thereof, of any 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.

SECTION 2. TAX IMPOSED.) There is hereby imposed, beginning the first day of July, 1949 and ending the 30th day of June, 1951 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.

SECTION 3. EXEMPTIONS.) There are hereby specifically exempted from the provisions of this act and from computation of the amount of tax imposed by it, the following:

1. The gross receipts from sales of tangible personal property which this state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state;
2. The gross receipts from the sales, furnishing or service of transportation service;
3. The gross receipts from sales of tangible personal property processed from agricultural products, when such property is sold in exchange for like agricultural products produced by the purchaser and is for the purchaser and his family;
4. The gross receipts from sales of tickets, or admissions to state, county, district and local fairs, and the gross receipts from educational, religious, or charitable activities, where the entire amount of such receipts is expended for educational, religious or charitable purposes;
5. The gross receipts from the sale by any school board of this state of books and school supplies to regularly enrolled students at costs; and

6. Gross receipts from sales of tangible personal property or from furnishing or service of steam, gas, electricity, water, and communication service to the United States, state of North Dakota, or any of its subdivisions, departments or institutions, any county, city, village, township, school district, park district, or municipal corporations.

SECTION 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.

SECTION 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.

SECTION 6. TAX TO BE ADDED TO PURCHASE PRICE AND BE A DEBT.) Retailers shall add the tax imposed under this act,

or the average equivalent thereof, to the sales price or charge and when added such taxes shall constitute a part of such price or charge, shall be a debt from the consumer or user to retailer until paid, and shall be recoverable at law in the same manner as other debts.

In adding such tax to the price or charge, retailers shall adopt the following bracket system for the application of the tax:

\$ 0.01 to \$00.24.....	no tax
.25 to .74.....	1 c tax
.75 to 1.24.....	2 c tax
1.25 to 1.74.....	3 c tax
1.75 to 2.24.....	4 c tax
2.25 to 2.74.....	5 c tax
2.75 to 3.24.....	6 c tax
3.25 to 3.74.....	7 c tax
3.75 to 4.24.....	8 c tax
4.25 to 4.74.....	9 c tax
4.75 to 5.24.....	10 c tax
5.25 to 5.74.....	11 c tax
5.75 to 6.24.....	12 c tax
6.25 to 6.74.....	13 c tax
6.75 to 7.24.....	14 c tax
7.25 to 7.74.....	15 c tax
7.75 to 8.24.....	16 c tax
8.25 to 8.74.....	17 c tax
8.75 to 9.24.....	18 c tax
9.25 to 9.74.....	19 c tax
9.75 to 10.24.....	20 c tax

Each additional 50c....1c additional tax

SECTION 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.

SECTION 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.

SECTION 9. RETURN OF GROSS RECEIPTS.)

1. On or before the twentieth day of the month following the close of the first quarterly period as defined in the following section, and on or before the twentieth day of the month following each subsequent quarterly period of three months, the retailer shall make out a return for the preceding quarterly period in such form and manner as may be prescribed by the commissioner, showing the gross receipts of the retailer, the amount of the tax for the period covered by such return, and such further information as the commissioner may require to enable him correctly to compute and collect the tax herein levied. The commissioner upon request by any retailer and a proper showing of the necessity therefor, may grant unto such retailer an extension of time not to exceed thirty days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in section 10 of this act shall be extended for the same period;
2. The commissioner, if he deems it necessary or advisable in order to insure the payment of the tax imposed by this act, may require returns and payment of the tax to be made for other than quarterly periods, the provisions of section 10 or elsewhere to the contrary notwithstanding; and
3. Returns shall be signed by the retailer or his duly authorized agent.

SECTION 10. PAYMENT OF TAX, BOND, (CREATION OF LIEN.)

1. The tax levied under the provisions of this act shall be due and payable in quarterly installments on or before the twentieth day of the month next succeeding each quarterly period, the first of such periods being the period commencing with July 1, 1949;
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 com-

missioner 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.

SECTION 11. LIEN OF TAX; COLLECTION; ACTION AUTHORIZED.) Whenever any tax payer 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 indorse on each notice of lien the day, hour, and minute when received and preserve the same, and forthwith shall index said notice in said index book and forthwith shall record said lien in the manner provided for recording real estate mortgages, and the said lien shall be effective from the time of the indexing thereof:

The tax commissioner shall pay a recording fee as provided by law for the recording of such lien, or for the satisfaction thereof.

Upon the payment of a tax as to which the tax commissioner has filed notice with the register of deeds, the tax commissioner forthwith shall file with said register of deeds a satisfaction of said tax and the register of deeds shall enter said satisfaction on the notice on file in his office and indicate said fact on the index aforesaid.

The attorney general, upon the request of the tax commissioner, shall bring an action at law or in equity, as the facts may justify, without bond to enforce payment of any taxes and any penalties, and in such action he shall have the assistance of the state's attorney of the county in which the action is pending.

It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the tax commissioner or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

The technical, legal requirements outlined in this section relating to tax liens on all real and personal property of the taxpayer to insure payment of the taxes, including penalties, interest and other costs, are self explanatory.

Remittances on account of tax due under this act shall not be deemed or considered payment thereof unless or until the commissioner shall have collected or received the amount due for such tax in cash or equivalent credit.

SECTION 12. PERMITS; APPLICATION AND FEE FOR.)

1. No person shall engage in or transact business as a retailer within this state unless a permit or permits shall have been issued to him as hereinafter prescribed. Every person desiring to engage in or conduct business as a retailer within this state shall file with the commissioner an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the commissioner and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the commissioner may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner thereof; in the case of a corporation, by an executive officer thereof or some

- person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority;
2. At the time of making such application, the applicant shall pay to the commissioner a permit fee of fifty cents for each permit, and the applicant shall have a permit for each place of business;
 3. Upon the payment of the permit fee, or fees herein required, the commissioner shall grant and issue to each applicant a permit for each place of business within the state. A permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated herein. It shall at all times be conspicuously displayed at the place for which issued;
 4. Permits issued under the provisions of this section shall be valid and effective without further payment of fees until revoked by the commissioner;
 5. Whenever the holder of a permit fails to comply with any of the provisions of this section or any rules or regulations prescribed by the commissioner and adopted under this section, the commissioner upon hearing after giving ten days' notice of the time and place of the hearing to show cause why his permit should not be revoked, may revoke the permit. The commissioner also shall have the power to restore licenses after such revocation;
 6. The commissioner shall charge a fee of one dollar for the issuance of a permit to a retailer whose permit has been previously revoked; and
 7. All permits in effect at the time this act takes effect are hereby continued and shall remain in full force and effect unless revoked as herein provided.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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 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

SECTION 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.

SECTION 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

SECTION 19. GENERAL POWERS.)

1. The commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income and receipts of any taxpayer, shall have power to examine or cause to be examined by any agent or representative designated by him, books, papers, records, or memoranda; to require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas; to administer oaths, to examine witnesses and receive evidence; to compel witnesses to produce for examination books, papers, records and documents relating

to any matter which he shall have the authority to investigate or determine;

2. Where the commissioner finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed the taxpayer. In all other cases the cost shall be paid by the state;
3. The fees and mileage to be paid witnesses and taxes 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.

SECTION 20. COMMISSIONER MAY APPOINT AGENTS AND EMPLOYEES; COMPENSATION; BOND; DUTY OF COUNTY TREASURER.)

1. The commissioner may appoint such agents, auditors, clerks, and employees as he may deem necessary to fix their salaries and compensation and prescribe their duties and powers, and said commissioner may remove such agents, auditors, clerks and employees so appointed by him. The number of inspectors appointed shall not exceed ten, each of whom shall have had at least three years experience in the auditing and checking of books of account;
2. All such agents and employees shall be allowed such reasonable and other necessary traveling expenses as may be

incurred in the performance of their duties not to exceed, however, such amounts as are now or may hereafter be fixed by law;

3. The commissioner may require such of the officers, agents, and employees as it may designate to give bond for the faithful performance of the duties in such sum and with such sureties as it may determine and the state shall pay, out of the proceeds of the taxes collected under the provisions of this act, the premiums on such bonds;
4. The commissioner may utilize the office of the treasurer of the various counties in order to administer this act and effectuate its purposes and may appoint the treasurers of the various counties its agents to collect any or all of the taxes imposed by this act. No additional compensation shall be paid to said treasurer by reason thereof.

SECTION 21. INFORMATION DEEMED CONFIDENTIAL.) It shall be unlawful for the commissioner, or any person having an administrative duty under this act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not to exceed one thousand dollars.

SECTION 22. CORRECTION OF ERROR.) 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.

SECTION 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.

SECTION 24. ALLOCATION OF REVENUE.) All moneys collected and received under this act shall be paid into the state treasury and shall be credited by the state treasurer into a special fund to be known as "the retail sales tax fund." Out of this fund the state treasurer shall first provide for the payment of refunds allowed under this act. The net amount of moneys remaining in said "retail sales tax fund" shall be a special trust fund to be used and disbursed solely for the following purposes:

1. Seven-twelfths of said trust fund shall be used and disbursed only for the payment of appropriations made pursuant to and for the purposes set forth in the state equalization fund law. The remaining five-twelfths of said trust fund shall be used and disbursed only for the payment of appropriations to be expended by the public welfare board for the purpose authorized by law; provided, that appropriations made from the general fund to be expended by said public welfare board shall constitute and include appropriations from said five-twelfths share of said trust fund;
2. The state treasurer and state auditor shall make monthly transfers of all the amounts available in said trust fund, in the proportions provided herein to the state equalization fund and to be expended by said public welfare board as provided by law.

SECTION 25. APPROPRIATION.) All moneys now in the retail sales tax fund created by chapter 344 of the Session Laws of 1947, 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.

SECTION 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 12, 1949.

CHAPTER 342

House Bill No. 306

(Anderson of Ransom, Freadhoff, Nygaard and Baeverstad)

ADDITIONAL TWO CENT MOTOR FUEL TAX

AN ACT

Assessing and levying on all licensed dealers of motor vehicle fuels, a special license tax of two cents per gallon on motor vehicle fuels used or sold by them in addition to all other taxes now imposed, appropriating the proceeds of such special tax to the "Special County and State Highway Construction Fund," providing for the division of said fund between the State Highway Department and the counties of the state for construction and reconstruction of secondary state highways, and the construction and reconstruction of county and township roads, making certain provisions of chapter 57-41 of the North Dakota Revised Code of 1943 as amended and chapters 57-50 of the 1947 Supplement to the North Dakota Revised Code of 1943 applicable to said special license tax, and providing a penalty.

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

SECTION 1. SPECIAL LICENSE TAX IMPOSED.) There is hereby imposed on dealers in motor vehicle fuel, a special motor vehicle fuel license tax of two cents per gallon on all motor vehicle fuels used and sold in the state of North Dakota. Such tax shall be separate and apart from and in addition to any license tax or other tax imposed upon or applicable to motor vehicle fuels, or dealers therein, under the laws of this state, and said two cents per gallon tax shall be in addition to and over and above the three cent tax imposed by Chapter 57-41 of the North Dakota Revised Code of 1943, as amended, and in addition to the one cent tax imposed by chapter 57-48 of the 1947 Supplement to the North Dakota Revised Code of 1943.

SECTION 2. PAYMENT, ASSESSMENT, AND COLLECTION OF TAX.) Said additional two cent per gallon tax shall be paid by each dealer in motor vehicle fuels as defined and provided in chapter 57-41 of the North Dakota Revised Code of 1943, as amended, and said additional two cent per gallon tax shall be paid in the manner, at the time, and to the officer specified in said chapter 57-41 of the North Dakota Revised Code of 1943, as amended, and all definitions of terms and methods of procedure for assessment and collection and other general provisions by context applicable hereto, contained and provided in said chapter 57-41 of the North Dakota Revised Code of 1943, as amended, shall apply to the special motor vehicle fuel license tax imposed under the terms and provisions of this act.

SECTION 3. REFUND OF TAX WHERE FUEL USED FOR AGRICULTURAL OR INDUSTRIAL PURPOSES.) The provisions of chapter 57-50 of the 1947 Supplement to the North Dakota Revised Code of 1943 providing for the refunding of license taxes paid upon motor vehicle fuels used for agricultural or industrial purposes shall apply to the special license tax imposed in section 1 hereof.

SECTION 4. TAX TRANSFERRED TO SPECIAL FUND.) The proceeds of said special license tax of two cents per gallon, after deducting refunds provided in section 3 hereof and administration and collection costs to be appropriated by the legislative assembly, are hereby appropriated and shall be allocated and transferred to a special fund in the office of the state treasurer to be known as the "Special County and State Highway Construction Fund."

SECTION 5. ALLOCATION OF TAX.) The proceeds of said special license tax of two cents per gallon are hereby appropriated, and shall be allocated and transferred as follows:

1. Fifty percent to the highway construction fund of the state highway department.
2. Fifty percent to the counties of this state.

The funds allocated to the state highway department are hereby appropriated to be used by such highway department for the construction and reconstruction of secondary highways or roads under the jurisdiction of the state highway department. The monies allocated to the counties shall be set aside in a separate fund to be known as the "Special County Construction Fund" and shall be used for the construction and reconstruction of county and township highways. The funds allocated to the state highway department shall be promptly credited by the state treasurer to the highway construction funds. During the months of January, April, July and October of each year the state treasurer, upon the warrant of the state auditor, shall apportion and disburse the remaining fifty percent of the proceeds of said special license tax, including interest received thereon, to the various counties of the state in proportion which the number of motor vehicles registered in each county shall bear to the total number of motor vehicles registered in all of the counties of the state during the entire preceding calendar year as shown by the certificate of the registrar of motor vehicles. Fifty percent of the funds allocated to the "Special County Construction Fund" shall be expended by the county for the construction or reconstruction of township highways.

SECTION 6. TAX ADDED TO PRICE.) Every dealer paying the additional two cent per gallon special motor vehicle license tax herein imposed, or labeled for the payment thereof, shall be en-

titled to charge and collect the sum of two cents per gallon on such motor vehicle fuels sold by him as a part of the selling price thereof.

SECTION 7. SAVINGS CLAUSE.) If any provision of this act shall be held invalid, the remainder of this act shall not be affected thereby.

SECTION 8. 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 pay the two cent per gallon additional special motor vehicle fuel license tax herein imposed, 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.

Approved March 12, 1949.

NOTE: H. B. 306 not effective until approved by referendum vote at primary election in June, 1950.

TOWNSHIPS

CHAPTER 343

Senate Bill No. 135
(Senator Rue by request)

HIGHWAY WORK PER DIEM RATE IN PAYMENT OF ROAD TAXES; REPEAL

AN ACT

To repeal subsection 11 of section 58-0307 of the North Dakota Revised Code of 1943, relating to powers of electors of townships to fix per diem rate for work on highways in payment of road taxes.

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

SECTION 1. REPEAL.) Subsection 11 of section 58-0307 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 12, 1949.

WATERS

CHAPTER 344

Senate Bill No. 138
(Shure, Rue, Bridston)

**STATE WATER CONSERVATION COMMISSION;
MEMBERS; QUORUM**

AN ACT

To amend and reenact sections 61-0204 and 61-0207 of the North Dakota Revised Code of 1943, relating to the state water commission.

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

SECTION 1. AMENDMENT.) Section 61-0204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0204. STATE WATER CONSERVATION COMMISSION: MEMBERS; TERMS; QUALIFICATIONS; REMOVAL; FILLING VACANCY; OATH.) There shall be a state water conservation commission in this state consisting of the governor, commissioner of agriculture and labor, and five other members to be appointed by the governor. The five appointive members of the commission shall be appointed for a term of six years each with their terms of office so arranged that one term and not more than two terms shall expire on the first day of July of each odd numbered year. Each appointive member shall be a qualified elector of the state and shall be subject to removal by judicial procedure. In the case of a vacancy, the vacancy shall be filled by appointment by the governor. Before entering upon the discharge of his official duties, each appointive member shall take, subscribe, and file with the secretary of state the oath prescribed for civil officers.

SECTION 2. AMENDMENT.) Section 61-0207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0207. QUORUM; WHAT CONSTITUTES.) A majority of the members of the commission shall constitute a quorum, and the affirmative or negative vote of four members shall be necessary to bind the commission, except for adjournment.

Approved February 26, 1949.

CHAPTER 345

Senate Bill No. 3
(Legislative Research Committee)

VOTES OF ELECTORS; ELECTION NOTICE; IRRIGATION
DISTRICTS

AN ACT

To amend and reenact sections 61-0503 of the 1947 Supplement to the North Dakota Revised Code of 1943 and 61-0514 of the North Dakota Revised Code of 1943, relating to elections in irrigation districts.

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

SECTION 1. AMENDMENT.) Section 61-0503 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0503. VOTES OF ELECTORS; NUMBER PERMISSIBLE.) Any elector owning twenty acres or less but not less than five acres, subject to assessments for construction or other costs within a proposed or existing district, shall have one vote, and any elector owning more than twenty acres subject to such assessments within such district shall have one additional vote for each additional twenty acres or major fraction thereof, but no elector shall be entitled to cast more than eight votes in any district election regardless of the number of acres of land owned by him in the district.

SECTION 2. AMENDMENT.) Section 61-0514 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-0514. NOTICE OF ELECTION BY STATE ENGINEER; CONTENTS; PUBLICATION OF.) Upon making his order establishing an irrigation district, the state engineer shall give notice of an election to be held in such district for the purpose of determining whether or not the electors of the district approve the establishment and organization thereof as an irrigation district. Such notice shall state that an elector desiring to be a candidate for the office of district director shall file his or her name with the state engineer not less than ten days before such election. Such notice shall carry a reference to the map or maps previously filed with the county auditor describing the boundaries of the lands included in the district as established by the state engineer, and shall designate a name for such district. Such notice shall be filed with the county auditor of each county in which the proposed district is situated and shall be published once each week for two weeks prior to such election in the official newspaper in the county in

which the proposed district is situated. If no official newspaper is published in such county, then it shall be published in the official newspaper in an adjoining county. If the proposed irrigation district is situated in more than one county, such notice shall be published in the official newspaper, if one is published, within each of such counties.

Approved March 7, 1949.

CHAPTER 346

House Bill No. 187
(Starck and Walster)

IRRIGATION DISTRICT TRANSACTIONS MADE PUBLIC
RECORDS

AN ACT

Making records and business transactions of irrigation districts public records; defining the duties of officers of irrigation districts; and making the violation thereof grounds for removal.

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

SECTION 1. TRANSACTIONS OF IRRIGATION DISTRICTS MADE PUBLIC RECORDS; AND GROUNDS FOR REMOVAL.) The minutes of all meetings, and all contracts, agreements, leases and other business transactions of the board of directors of an irrigation district shall be public records and open to inspection by any person interested, or their attorney or agent, at all reasonable times. The terms of any proposed agreement or contract with federal or state agencies shall be deemed a business transaction open to public examination. Refusal on the part of any director or officer of an irrigation district to permit examination of the records of the irrigation district or to give any information available concerning business transactions of the district shall be grounds for removal of such director or officer in an action brought in the District Court.

Approved March 9, 1949.

CHAPTER 347

Senate Bill No. 238
(Delayed Bills Committee)
(at the request of State Water Conservation Commission)

MISSOURI-SOURIS CONSERVANCY AND RECLAMATION
DISTRICT

AN ACT

Creating the Missouri-Souris Conservancy and Reclamation District in order to facilitate the establishment and construction of the Missouri-Souris unit of the Missouri Basin Project as approved by Act of Congress of December 22, 1944, (58 Stat. 887), and acts amendatory thereof and supplementary thereto, and defining its purposes, functions, powers, and duties.

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

SECTION 1. DECLARATION OF INTENTION, INTERPRETATION.) It is hereby declared that the establishment and construction of the Missouri-Souris Unit of the Missouri Basin Project as approved by act of congress under date of December 22, 1944, (58 Stat. 887), and acts amendatory thereof and supplementary thereto, is necessary:

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 such conservancy and reclamation district.
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 on such lands.
3. To replenish and restore the depleted waters of lakes, rivers and streams in said district, and to stabilize the flow of said streams.
4. To replenish the waters of, and to restore, the level of Devils 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 and other beneficial and public uses.

The provisions of this act 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 sup-

plementary 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, or water conservation and flood control districts.

SECTION 2. MISSOURI-SOURIS CONSERVANCY AND RECLAMATION DISTRICT CREATED.) There is hereby created within the state of North Dakota, a conservancy and reclamation district, to be known as the "Missouri-Souris Conservancy and Reclamation District," hereafter called the "District," and consisting of that part of the state of North Dakota which is included within the boundaries of the following counties, to-wit: Divide, Burke, Williams, Renville, Ward, Bottineau, McHenry, Pierce, Benson, Ramsey, Eddy, Foster, Stutsman, LaMoure and Dickey. Such district shall be, and is hereby declared to be a governmental agency, body politic and corporate with the authority to exercise the powers specified in this act, or 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. 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 such district.

SECTION 3. THE APPOINTMENT OF DIRECTORS, ORGANIZATION OF BOARD.) Within thirty days after the state water conservation commission shall so request, the board of county commissioners in each county of the district shall appoint a director who shall be a resident and voter of such county. The directors thus appointed shall constitute the board of directors of the district. They shall meet at a time and place to be designated by the state water conservation commission, and shall organize by electing from their number, a chairman and a vice-chairman. They shall also elect a secretary and treasurer. The office of secretary and the office of treasurer may be held by the same person, and a director of the district may be appointed secretary-treasurer. In case the office of any director of the district becomes vacant by removal, death, resignation or otherwise, the vacancy shall be filled by the board of county commissioners of the county in which the vacancy occurs.

SECTION 4. COMPENSATION OF DIRECTORS, DISTRICT EXPENSES.) Members of the board of directors of the district shall receive five dollars per day and their actual and necessary expenses while attending meetings of the board. A director traveling in his own

automobile shall receive seven and one-half cents per mile while engaged in the official business of the district, provided that the per diem and expenses of a member of the board shall not exceed the sum of three hundred fifty dollars in any one year. The per diem and expenses of a director, incurred in attending meetings of the board shall be paid by the county which he represents in substantially the same manner as the per diem, mileage and expenses of county commissioners are paid. The board of directors of the district shall at the time of the organization of the board, and annually thereafter, estimate the expenses of the district other than the per diem and expenses of directors as hereinbefore mentioned. Such estimate or budget shall be itemized, and shall not exceed the sum of three thousand dollars for any one year. A copy of such budget shall be forwarded to the county auditor of each county in the district, and a copy thereof shall also be filed with the state water conservation commission. The total amount of such budget shall be pro-rated among the counties in the district in the proportion that the taxable valuation of taxable property in each county bears to the aggregate taxable valuation of property in all the counties in the district. The several counties are hereby authorized and it shall be the duty of the board of county commissioners of each county in the district to include its share of the district budget in the county budget as finally approved and adopted, and shall include said amount in the county levy, provided that the amount levied for district expenses and for the per diem and expenses of the director representing such county shall be in addition to the amount which may otherwise be legally levied for county purposes. The county treasurer of each county in the district shall remit the district's share of tax collections to the treasurer of the district. The funds of the district shall be deposited in the Bank of North Dakota, and shall be paid out only upon the approval of the board of directors, and by warrant or other instrument signed by the chairman of the board and the treasurer of the district. In case of death, absence or other disqualification of the chairman, the vice chairman shall sign warrants and other instruments. The fiscal year of the district shall coincide with the calendar year. The board of directors, at the close of each calendar year, shall cause an audit of the books and financial affairs of the district to be made, and a report of such audit shall be mailed to the county auditor of each county in the district, and to the state water conservation commission, and a copy thereof shall be kept on file in the office of the secretary of the district.

SECTION 5. TERM OF OFFICE; OATH OF OFFICE; BOND.) Each member of the board of directors of the district shall hold office for a term of three years, and until his 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. The term of office of the directors, first appointed, shall be determined by lot when they meet to organize, as provided in section 3 of this act.

SECTION 6. MEETINGS OF THE BOARD; QUORUM; BOARD TO ADOPT RULES, REGULATIONS AND BY-LAWS.) The board of directors of the district shall adopt such rules and regulations, or by-laws 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 members of the board. Notice of a special meeting shall be mailed to each member of the board at least six days before such meeting, 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 said board shall constitute a quorum for the transaction of business.

SECTION 7.) The attorney general shall, as far as his duties permit, act as the legal advisor of the board, provided, however, that when the district has funds available, the board of directors may employ other counsel to advise and represent it in its proceedings. The chief engineer of the state water conservation commission shall furnish such engineering services and assistance as the duties of his office permit.

SECTION 8. POWERS AND DUTIES OF THE DISTRICT BOARD OF DIRECTORS.) The board of directors of the Missouri-Souris Conservancy and Reclamation District shall have the power:

1. To cooperate with the state water conservation commission in promoting the establishment and construction of the Missouri-Souris unit of the Missouri Basin project.
2. 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 and with public corporations of North Dakota for the performance of obligations entered into with the United States for the construction and maintenance of works of the Missouri-Souris unit of the Missouri Basin project as defined by Act of Congress under date of December 22, 1944, (58 Stat. 887), and acts amendatory thereof or supplementary thereto.
3. To equip and maintain an office and principal place of business for the district, if in the judgment of the board, it shall be found necessary to do so.

4. To appoint and fix the compensation of such employees as the board shall deem necessary to conduct the business and affairs of the district.
5. To levy a tax of not to exceed one mill annually on each dollar of taxable valuation in the district, and to accumulate a fund through such levy for the performance of obligations entered into with the United States for the construction and maintenance of works of the Missouri-Souris unit of the Missouri Basin project. All monies collected pursuant to such levy shall be deposited in the Bank of North Dakota in a special fund to be known as the United States contract fund and shall be used for no other purpose.

SECTION 9. DISTRICT MAY ENTER INTO CONTRACT WITH THE UNITED STATES.) Whenever the board of directors of the Missouri-Souris Conservancy and Reclamation District is notified by the United States government that it is necessary for the district to enter into a contract or contracts as principal and guarantor or either with the United States and other public corporations of North Dakota as herein provided for the repayment required of any part of the cost incurred or to be incurred in the construction of works of the Missouri-Souris unit of the Missouri Basin project, the board shall meet and consider the proposed contract. The board may hold hearings in various sections of the district. After considering the terms and conditions of such proposed contract and objections thereto, the board may adopt a resolution approving or disapproving such contract and may enter into further negotiations with the United States concerning terms for a new or amended contract. Before any such contract shall be entered into the board of directors, a copy thereof shall be filed with the county auditor of each county in the district and no such contract shall be entered into by the board of directors unless the boards of county commissioners of three-fourths of the counties in the district shall approve the same. The county auditor of each county shall promptly forward to the secretary of the district a certified copy of the motion or resolution of his board of county commissioners approving or disapproving as the case may be any proposed contract.

SECTION 10. WHEN CONTRACT IS APPROVED.) After any such contract shall have been duly executed, as herein provided, the said board of directors shall, in accordance with the provisions of such contract, adopt a resolution that a tax be assessed and levied upon all of the taxable property in the district. Such tax shall not exceed one mill levied annually on each dollar of taxable valuation in the district until such costs 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, by registered mail, 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. Taxes collected pursuant to such levy shall be used only for the purpose, or purposes, for which such levy is made, and not otherwise. Such tax collection shall be deposited in the Bank of North Dakota to the credit of the district in the United States contract fund and shall be disbursed on warrants drawn as other warrants are herein authorized.

SECTION 11. PROCEEDINGS TO CONFIRM CONTRACT.) The board of directors of the Missouri-Souris Conservancy and Reclamation 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 substantially comply with the procedure required in the case of irrigation districts under sections 61-0723 to 61-0727, inclusive, of the North Dakota Revised Code of 1943.

Approved March 19, 1949.

CHAPTER 348

Senate Bill No. 114

(Pyle and Shure)

(at the request of the State Water Conservation Commission)

WATER CONSERVATION AND FLOOD CONTROL DISTRICTS

AN ACT

Providing for the creation of water conservation and flood control districts; providing for the appointment of boards of water conservation and flood control commissioners and fixing their powers and duties; providing for the acquisition of property rights and the assessment of benefits against the property benefited, providing for the levy of special assessments, prescribing the duties of county commissioners relating to water conservation and flood control districts; providing for the exemption of federal projects and agencies; providing that water conservation and flood control districts may contract with federal and state departments or agencies, persons and corporations and may acquire property in adjoining states, repealing chapter 61-16 of the North Dakota Revised Code of 1943, and chapter 373, of the Session Laws of 1947; and declaring an emergency.

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

SECTION 1. DEFINITIONS.) In this chapter, unless the context subject matter otherwise provides;

1. "District" shall mean a water conservation and flood control district provided for in this chapter;
2. "Commission" shall mean the state water conservation commission; and
3. "Board of commissioners" shall mean the board of water conservation and flood control commissioners provided for in this chapter.

SECTION 2. WATER CONSERVATION AND FLOOD CONTROL DISTRICTS: REQUIREMENTS; RESULTS AFTER INVESTIGATION AND EXAMINATION.) Whenever there is presented to the state water conservation commission a petition signed by any county, city, village, or township, or by any cooperative grazing association, or by fifty per cent or more of the freeholders within the limits of a proposed water conservation and flood control district, the commission forthwith shall make such investigation and examination of the proposal as in its judgment may be necessary and proper. If the commission finds that there is not a sufficient water supply or that the problems of flood control are not sufficiently serious to make the proposed water conservation and flood control district feasible, or that for any other reason it is impracticable or undesirable to establish the proposed water con-

servation and flood control district, it shall make an order disallowing the petition and giving its reasons for such disallowance. If, after such investigation and examination, it finds that the proposed water conservation and flood control district is desirable and proper and that the drainage area and the probable available water supply and flood control problems are such as to render the proposed district necessary and desirable, it shall make its order establishing such district and fixing the boundaries thereof.

SECTION 3. BOND TO ACCOMPANY PETITION FOR DISTRICT WHEN; EXCEPTION.) When a petition for the establishment of a water conservation and flood control district is presented by fifty per cent or more of the freeholders of the proposed district, the commission shall require a bond from such petitioners in a sum sufficient to pay all expenses of the investigation and examination required to determine whether the petition should be granted. When a petition is signed by a county, city, village, or township, no bond shall be required but the county, city, village, or township, as the case may be, shall pay the expenses necessarily incurred by the commission in investigating and examining the proposal for the establishment of such district in the event that the petition is disallowed.

SECTION 4. RESOLUTION OF GOVERNING BODY OF MUNICIPAL CORPORATION FILED WITH COMMISSION.) When a petition is filed by any municipal corporation as provided in section 61-1602, a certified copy of the resolution of the governing board thereof authorizing the signing of such petition shall be filed with the commission at the time of filing the petition.

SECTION 5. AREA TO BE INCLUDED WITHIN DISTRICT; HOW DETERMINED.) In determining the area to be included within the water conservation and flood control district, the commission shall disregard township and county boundaries and shall consider only the drainage area to be affected by the water development proposed and the probable future development thereof. Whenever practicable, such boundaries shall follow section lines.

SECTION 6. COMMISSION TO SPECIFY NAME OR NUMBER OF DISTRICT.) The order of the commission shall specify the name or number by which each conservation and flood control district shall be known.

SECTION 7. ORDER ESTABLISHING CONSERVATION AND FLOOD CONTROL DISTRICT; EFFECT.) A certified copy of the order establishing a water conservation and flood control district shall be filed with the county auditor of each county within which any portion of the district shall lie. Upon the filing of such order, a district shall be created.

SECTION 8. BOARD OF WATER CONSERVATION AND FLOOD CONTROL COMMISSIONERS; APPOINTMENT; NUMBER OF.) At the first regular or special meeting of the board of county commissioners after the filing of an order of the commission with the county auditor of any county as provided in this chapter, the board of county commissioners shall appoint a board of water conservation and flood control commissioners for such district. When any such district is confined to the limits of one county, the board shall consist of three members and shall be selected, so far as practicable, from persons residing in or near the area affected by the project. When any such district shall include land in two counties, the board of commissioners shall consist of five members of which three shall be appointed by the board of county commissioners of the county containing the greater acreage within the conservation and flood control district, and two shall be selected by the board of county commissioners of the county containing the lesser acreage within the district. When any such district shall include land in more than two counties, the board of commissioners shall consist of two members appointed by the board of county commissioners of each county within which such district may lie, except that only one member shall be appointed from the county containing the least acreage within the district.

SECTION 9. ELIGIBILITY FOR APPOINTMENT TO BOARD; TERM; FILLING VACANCIES.) Any resident freeholder and citizen of the county, including county, city, village and township officers, shall be eligible for appointment to the board of commissioners. Such commissioners shall hold the respective offices for a term of five years from the date of appointment and until their successors are appointed and qualified. Vacancies in such board shall be filled by appointment by the board of county commissioners of the county which made the original appointment. Members of the board of county commissioners shall serve without compensation of any kind, except that they shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their duties.

SECTION 10. COUNTY AUDITOR SHALL SERVE AS SECRETARY OF BOARD, AND COUNTY TREASURER AS CUSTODIAN OF WATER CONSERVATION AND FLOOD CONTROL DISTRICT FUNDS.) When a district is confined to the limits of one county, the county auditor shall serve as secretary of the board and the county treasurer shall serve as treasurer of the district and custodian of all funds from whatever sources received. In such case the county auditor and county treasurer shall serve without additional compensation. When such district includes land in two or more counties, the county auditor of the county having the greatest acreage within the district shall serve as secretary of the board of commissioners

and the treasurer of such county shall act as custodian of funds furnished the district by the state, federal government or by any department or agency thereof, or secured from private sources. Such funds shall be disbursed upon warrants signed by the chairman of the board of commissioners of the district and countersigned by the secretary. All claims against a district shall be certified the same as claims against the county. The secretary and treasurer of a water conservation and flood control district situated in two or more counties shall receive such compensation for their services as may be determined by the commissioners of the district subject to the approval of the board of county commissioners of each county in which the district is situated.

SECTION 11. (CHANGING OR MODIFYING BOUNDARIES; PROVISIONS GOVERNING.) The determination by the commission as to the boundaries of a district may be changed or modified from time to time as circumstances may warrant upon like petition, or, when the circumstances clearly require it, upon the motion of the commission. No two such districts shall overlap. When a district once has been established and another district is proposed in the vicinity thereof, or when two or more districts have been established in the vicinity of each other, the commission, by order filed as provided, may combine the areas affected by two or more districts whether already existing or proposed, into one district. No district lying wholly within one county shall be combined with any district lying in whole or in part in another county unless the development of the water resources or the control of floods of both districts is, in effect, one inseparable problem.

SECTION 12. (CHANGE OF BOUNDARIES OF DISTRICT; NEW COMMISSIONER: WHEN APPOINTED.) In case of the modification of the boundaries of any district, the same board of commissioners shall continue to serve without any change in its duties or terms of office of its members, except that in case two or more existing districts are combined, the filing of the order of the commission for such combination shall operate automatically to terminate the terms of office of all commissioners of all districts affected by the combination. The board of county commissioners shall appoint a board of commissioners for the combined district in the same manner as upon the organization of a new district.

SECTION 13. (ORGANIZATION OF BOARD OF COMMISSIONERS: QUORUM; MEETINGS.) Within ten days after the appointment of the board of commissioners, and within ten days after any change in the personnel of any board of commissioners, such board shall meet in the court house of the county in which the district is situated, and if situated in more than one county, such board shall meet at the court house of the county in which the district has the largest acreage, and shall organize by selecting one of the com-

missioners chairman of the board. Two-thirds of the members of the board shall constitute a quorum at any meeting thereof. The board shall hold such meetings as may be required for the transaction of the district's business. Meetings shall be called by the secretary upon the order of the chairman of the board, or upon the request in writing of the majority of the board of commissioners. Such order or request for a meeting of the board shall be entered on the minutes of the meeting. Notice of such meeting shall be delivered or mailed to each member of the board at least five days prior to the date of such meeting; provided, however, that a meeting of the board may be called at any time by the chairman without notice, and such meeting shall be legal and valid if all members of the board are present.

SECTION 14. POWERS AND DUTIES OF BOARD OF COMMISSIONERS.) The board of commissioners shall have the power to:

1. Sue and be sued in the name of the district;
2. Exercise the power of eminent domain in the manner provided by the title Judicial Remedies for the purpose of acquiring and securing any rights, titles, interests, estates, or easements necessary or proper to carry out the duties imposed by this chapter, and particularly to acquire the necessary rights in land for the construction of dams and other water conservation devices of any nature and to flood lands, and to secure the right of access to such dams and other devices and the right of the public access to the waters impounded thereby;
3. Accept funds and property or other assistance, financial or otherwise, from federal, state, and other public or private sources for the purposes of aiding the construction or maintenance of water conservation and flood control projects; and cooperate and contract with the state or federal government, or any department or agency thereof, in furnishing assurances and meeting local cooperation requirements of any project involving control, conservation and use of water;
4. Procure the services of engineers and other technical experts, and employ an attorney or attorneys to assist, advise, and act for it in its proceedings;
5. Plan, locate, relocate, construct, reconstruct, modify, maintain, repair, and control all dams and water conservation devices of every nature and water channels and to control and regulate the same and all reservoirs, artificial lakes, and other water storage devices within the district;

6. Maintain and control the water levels and the flow of water in the bodies of water and streams involved in water conservation and flood control projects within its district, and regulate streams, channels or water courses and the flow of water therein by changing, widening, deepening, straightening the same or otherwise improving the use and capacity thereof;
7. Regulate and control flood waters for the prevention of floods, by deeping, widening, straightening or dyking the channels of any stream or water course within its district, and construct reservoirs or other means to hold and control such waters;
8. Make rules and regulations concerning the use to which such waters may be put and prevent the pollution, contamination, or other misuse of the water resources, streams, or bodies of water included within the district;
9. Certify to the county auditor of the county in which the district is located the amount of money necessary to meet the estimated expenses of properly conducting its activities during the ensuing year, such certificate to be filed with the county auditor on or before the first day of July in each year. In case of a district in more than one county, the board shall make an order determining the proportionate share of the costs chargeable to each county and shall certify the same to the county auditor of each county. Such certificate in all cases shall be accompanied by an itemized budget statement showing the full and exact expenditure program of the district for the ensuing year. If any county feels aggrieved by the determination made by the board, an appeal may be taken by such county to the district court in the manner provided in this chapter; and
10. Do all things reasonably necessary and proper to preserve the benefits to be derived from the conservation, control and regulation of the water resources of this state.

SECTION 15. TAX LEVY BY BOARD OF COUNTY COMMISSIONERS; AMOUNT; ALLOCATION OF LEVY IN DISTRICT; FINANCING BY SPECIAL ASSESSMENTS.) At the time of levying taxes for other county purposes, the board of county commissioners shall consider the certificate of the board of commissioners of each district within the county, and it shall levy each year upon all taxable property in such district within the county a tax sufficient in amount to pay the actual necessary expenses of such water conservation and flood control districts, not exceeding a total of one-half mill

on each dollar of taxable valuation of the county for all districts included therein. In case the total estimated expense of all districts would exceed the levy of one-half mill, the board of county commissioners shall allocate the levy which it makes among the several districts of the county in proportion to the actual needs of districts as determined by the board of county commissioners from the budget statements presented, and such other evidence as may be available. Such tax levy for water conservation and flood control purposes, not exceeding one-half mill, may be levied in excess of the mill limit fixed by law for taxes for general purposes. The county auditor shall credit the proceeds of such tax to each district in accordance with the division thereof fixed by the board of county commissioners. If, in the judgment of the board of commissioners, it appears that the expense of acquisition of rights-of-way, easements or other interests in property, or the construction or maintenance of any project, should not be spread over the entire district, but should be borne by the property specifically benefited thereby, the board of commissioners may require that such work be financed by special assessments as provided in this chapter, or the board may finance such work and the operation and maintenance thereof through the use of a combination of both a levy and special assessment warrants.

SECTION 16. AUDITING AND PAYMENT OF BILLS; PRORATING OF BILLS.) All bills incurred by a district shall be audited and recommended for payment by the board of commissioners and shall be certified to the county auditor who shall present them for audit and allowance by the board of county commissioners as other bills of the county are audited and allowed. Upon the allowance of such bills, the same shall be paid out of the funds standing to the credit of the district in the manner in which other county obligations are paid. In the case of a district in two or more counties, the board of commissioners shall prorate such bills and certify the same for payment to the counties involved.

SECTION 17. CONSTRUCTION AND REPAIR OF DAM: PROPOSALS FOR; PRESENTED TO WHOM; HEARING PROPOSALS.) No dams or other devices for the conservation, control, regulation, or storage of water shall be constructed within any water conservation and flood control district except in accordance with the provisions of this chapter. Any proposal for the construction of any dam or other such devices shall be presented first to the board of commissioners of the district within which the contemplated project is located. Such board shall consider the same, and if the proposal meets with its approval, it shall forward the proposal to the commission as soon as possible. After the receipt thereof, the commission shall consider the same in such detail as to it may seem necessary and proper, and shall make its recommendations and

suggestions as to the propriety, efficiency, and feasibility of the proposal, and forward the same to the board of commissioners. The board thereupon shall require, or if the project is to be constructed at the expense of the district, shall furnish, complete plans and specifications therefor, which shall be forwarded to the commission. The commission shall examine the same in detail and may refuse to allow the construction of any unsafe, improper, or dangerous dam or other device which would interfere with the orderly control of the water resources of the district, and may order such changes or modifications thereof as in its judgment may be necessary for safety. Any person aggrieved by any such ruling of the commission shall have the right to a full hearing before the commission and a full consideration of all evidence available before a final order of the commission shall be entered, subject to appeal to the district court as provided in this chapter.

SECTION 18. PAYMENT FOR PROJECT BY SPECIAL ASSESSMENT WARRANTS; OR PARTLY BY LEVY AND PARTLY BY SPECIAL ASSESSMENT WARRANTS.) In lieu of the purchase of rights-of-way, easements and other interests in property and the payment of the expenses thereof and the expense of the construction, operation and maintenance of any water conservation or flood control project through a general tax levy, the board of commissioners may proceed to acquire the necessary interests in property and to construct, repair, alter, operate, and maintain water conservation and flood control projects through the use of special assessment warrants, or through the use of a combination of both a tax levy and special assessment warrants.

SECTION 19. NOTICE OF HEARING TO CONSIDER FINANCING BY SPECIAL ASSESSMENT WARRANTS; CONTENTS.) If it is proposed to finance any water conservation or flood control project, in whole or in part, by special assessment warrants, the board of commissioners shall give at least ten days' notice of a hearing to be held at some place convenient to the owners of the property to be affected by the project. Notice of such hearing shall be given by publication of such notice once each week for two successive weeks, in a newspaper of general circulation in each county in which the district or any part thereof is situated, if any is published therein, and if none is published in the county, then in a newspaper published in an adjoining county in the state. Notice by publication shall be complete ten days after the last publication thereof. The notice of hearing shall set forth briefly the nature of the project proposed and shall state that the board of commissioners, at the time and place stated in the notice, will consider the advisability and feasibility of the project, and if approved, will proceed to assess and determine the damages, if any, to be suffered by the property owners affected.

SECTION 20. APPEARANCE OF PERSONS TO EXPRESS OPINION; DISCONTINUANCE OF PROCEEDINGS REGARDING.) All person 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 land-owners whose land is subject to assessment for such project, and who own at least one-half of such land, petition the board within thirty 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, in the manner and under all restrictions provided by chapter 12 of this title with reference to the construction of flood irrigation projects by the board of flood irrigation.

SECTION 21. COMMISSION AND BOARD OF COMMISSIONERS SHALL ENCOURAGE CONSTRUCTION OF DAMS AND OTHER WATER CONTROL DEVICES.) The commission and the board of commissioners shall encourage the construction of dams and other water control devices within the district by federal and state agencies, private individuals, and public and private corporations, and shall lend their aid, counsel, and assistance to any such project. All dams and other devices, whether constructed by public authorities or private persons, unless specifically exempted therefrom, shall be subject to all of the provisions of this chapter.

SECTION 22. DAMS CONSTRUCTED WITHIN A DISTRICT SHALL COME UNDER CONTROL OF BOARD OF COMMISSIONERS.) All dams, water conservation and flood control devices constructed within any district, unless specifically exempted therefrom, automatically shall come under the jurisdiction of the board of commissioners. No changes or modifications of any existing dams or other devices shall be made without complying fully with the provisions of this chapter.

SECTION 23. APPEAL FROM DECISIONS OF COMMISSION AND BOARD OF COMMISSIONERS; UNDERTAKING; JURISDICTION.) From any order or decision of the commission or of the board of commissioners, an appeal may be taken to the district court, by any person aggrieved, upon filing an undertaking in the sum of two hundred dollars with such sureties as may be approved by the

clerk of the district court to which the appeal is taken. Such undertaking shall be conditioned that the appellant will prosecute such appeal without delay and will pay all costs adjudged against him in the district court. Such undertaking shall be executed to the commission or the board of commissioners, as the case may be, and may be sued on in the name of the obligee. Where the water conservation and flood control district is confined to the limits of one county, the appeal shall be taken to the district court of that county. When such district includes lands in two or more counties, the appeal shall be taken to the district court of the county in which the land which is claimed to be affected adversely by the order or decision appealed from lies.

SECTION 24. TIME FOR TAKING APPEAL FROM COMMISSION OR BOARD OF COMMISSIONERS.) An appeal as provided herein when taken from a decision of the commission must be taken within thirty days after the order of the commission has been filed with the secretary of the water conservation and flood control district, and when taken from a decision of the board of commissioners, it must be taken within thirty days after such decision has been entered by the secretary of the board of commissioners.

SECTION 25. APPEAL FROM DECISION OF COMMISSION OR BOARD OF COMMISSIONERS; HOW TO BE TAKEN.) The appeal provided for in this chapter when taken from the decision of the commission is taken by serving a written notice of appeal upon the state engineer, and when taken from a decision of the board of commissioners, the notice of appeal must be served upon one of the members, and upon the secretary, of such board.

SECTION 26. FILING APPEAL; DOCKETING AND HEARING APPEALS; FINAL JUDGMENT AND SENDING BACK.) The appeal provided for in chapter shall be filed on or before the next term of the district court after such appeal is taken and the case shall stand for trial at such term. All appeals thus taken shall be docketed as other causes pending in the district court and the same shall be heard and determined de novo. The district court may enter a final judgment, or in a proper case may send the same back with directions how to proceed.

SECTION 27. DAMS CONSTRUCTED BY FEDERAL AGENCY UNDER CONTROL OF BOARD OF COUNTY COMMISSIONERS WHEN.) Any dam or water control device constructed by or with the assistance of any federal agency, and having no one responsible for its maintenance and operation, and outside of a water conservation and flood control district, shall come under the jurisdiction of the board of county commissioners of the county in which such dam or water control device is located. The board of county commissioners is authorized to exercise control and supervision over the same and

may make such provisions as it deems necessary or desirable for the proper maintenance thereof. In such case, the board of county commissioners may petition for the establishment of a water conservation and flood control district as provided in this chapter.

SECTION 28. STATE'S ATTORNEY AND ATTORNEY GENERAL TO ASSIST BOARDS; EMPLOYMENT OF COUNSEL.) The state's attorney of any county within which a district is located in whole or in part shall act as legal adviser of, and upon request shall render opinions in writing to, the board of commissioners, and shall prosecute any action in his county in eminent domain found necessary by either the board of commissioners of the water conservation and flood control district, or the board of county commissioners, and also shall appear as attorney for such board of county commissioners or for the commission in any appeal that may be taken in his county from a decision of either, as well as in any other litigation brought in his county against such board or commission. The attorney general shall render such legal opinions or such other assistance as he is required to render to county and state officers. The board of water conservation and flood control district commissioners may, however, employ other counsel to advise and represent it in such actions and appeals and in its proceedings.

SECTION 29. PENALTY FOR VIOLATION OF CHAPTER.) A violation of the provisions of this chapter shall be a misdemeanor, punishable by a fine of not more than fifty dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

SECTION 30. EXEMPTION OF FEDERAL AGENCIES FROM PROVISIONS OF CHAPTER; PURPOSE OF CHAPTER.) The provisions of this chapter shall not apply to the government of the United States or any department, bureau, or agency thereof, except to such extent as the government of the United States or any department, bureau, or agency thereof may desire to take advantage of its provisions, it being the express purpose and intent of this chapter to aid but not to interfere with the government of the United States and its departments, bureaus, or agencies. The provisions of this chapter shall not apply to any project of the government of the United States or of any department, bureau, or agency thereof over which such federal authority desires to exercise full supervision and control, nor to the impounding, utilization, or distribution of any water for any purpose on or in connection with such project. The provisions of this chapter shall not be construed to impair, limit, or repeal any water right or other right whatever which the government of the United States or any department, bureau, or agency thereof may have under statutes existing prior to March 12, 1935. The creation of districts under the provisions of this chapter shall not limit nor impair the right of the govern-

ment of the United States or any department, bureau, or agency thereof to full and complete jurisdiction, management, or control over any waters or projects over which such federal authority desires to exercise such rights, it being the purpose of this chapter expressly to subordinate any power or jurisdiction granted in this chapter to the extent where the exercise of such power or jurisdiction shall never interfere directly or indirectly with such federal authority.

SECTION 31. MAY CONTRACT WITH FEDERAL AND STATE GOVERNMENTS, LOCAL DISTRICTS, PERSONS AND CORPORATIONS; ACQUIRE PROPERTY IN ADJOINING STATES.) The board of commissioners shall also have the right, power and authority to enter into contracts or other arrangements with the United States government or any department thereof, with persons, railroads or other corporations, with public corporations, and state government of this or other states, with drainage, flood control, conservation, conservancy, or improvement districts, in this or other states, for cooperation or assistance in constructing, maintaining, using and operating investigations or reports thereon; and may purchase, lease or acquire land or other property in adjoining states in order to secure outlets to construct and maintain dykes or dams, or for other purposes of this chapter, and may let contracts or spend money for securing such outlets or works in adjoining states. Provided, that no board of commissioners of any water conservation and flood control district shall have the right, power or authority to connect by artificial means boundary waters having different natural outlets so that the waters of one may be discharged into the other.

SECTION 32. REPEAL.) Chapter 61-16 of the North Dakota Revised Code of 1943 (Section 61-1601 to 61-1630, inclusive) and chapter 373 of the Session Laws of 1947 (Sections 61-1610, 61-1614, 61-1615, 61-1628 and 61-1629 of the 1947 Supplement to the Revised Code of North Dakota of 1943) be and the same are hereby repealed.

SECTION 33. EMERGENCY.) An emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1949.

CHAPTER 349

Senate Bill No. 225
(Wahlund, Braun, Day, Spiekermeier, and Reinke)

DRAINAGE PROJECTS; POWERS AND DUTIES OF
DRAIN BOARDS, ETC.

AN ACT

Relating to drainage projects, the powers and duties of drain boards and procedure to establish, maintain and dissolve drains and drainage districts, and declaring an emergency.

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

SECTION 1. IMPARTIALITY OF DRAIN BOARDS.) No member of any drain board, appointed, qualified and acting under the provisions of chapter 61-21 of the North Dakota Revised Code of 1943, shall act on any matter wherein he is personally interested, nor shall any drain board act to either promote or hinder the establishment of drains. It shall act impartially as between those favoring and those opposing any proposed project.

SECTION 2. MAINTAINING OFFICE AND FILING RECORDS.) If for any reason a separate office is not maintained at the county seat as provided by section 61-2104 of the North Dakota Revised Code of 1943, the drain board shall keep on file with the county auditor a complete record of its acts and proceedings so that the public may determine by inspection thereof what projects are pending and what action has been taken with respect thereto.

SECTION 3. EMPLOYMENT OF CLERICAL AND OTHER HELP.) Drain boards shall have power to employ such legal, clerical and technical help as may be necessary for the performance of its duties under the law. Notices or other communications signed by the attorney or the clerk of the board shall be deemed to come from the board.

SECTION 4. FURNISHING OF COST ESTIMATES.) The survey provided for in section 61-2113 of the North Dakota Revised Code of 1943 shall be sufficiently complete and detailed before the notice for hearing on petition and surveyor's report is given, so that on such hearing the board can give to each affected landowner an approximate estimate of total costs and the probable share thereof which will be assessed against the lands of said affected landowner, so that such landowner may be in a position to compare the costs and benefits before being called upon to determine whether he will favor or oppose the establishment of the proposed drain. If

the estimated assessments so given any landowner by the board shall be raised more than twenty per cent in the final assessment of benefits and costs as given by the board to affected landowner for the hearing on assessments provided for by section 61-2120 of the North Dakota Revised Code of 1943, then such landowner whose assessed costs are twenty per cent or more over the estimate given him at the hearing on petition to establish drain shall have the privilege of objecting to the establishment of said drain with the same force and effect as if his objection had been made at the time of such first hearing.

SECTION 5. NOTICE OF ORDER ESTABLISHING DRAIN AND OF PERIOD FOR APPEAL.) Whenever the order shall be made establishing a drain, the board shall immediately thereupon give notice to all affected landowners of such action, such notice to be given in the same manner as the notice of the hearing on the petition to establish the drain, and such notice shall advise each landowner that his right to appeal to the district court from such order will expire in thirty days and the date of expiration of such right of appeal shall be given. Any affected landowner not given such notice shall have his right of appeal preserved for thirty days after such notice is later given him, by registered mail, at his last known address or until the time of hearing on assessments, whichever shall come last.

SECTION 6. 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. Every landowner shall have at least one vote or voice.
2. In addition thereto each landowner shall have one additional voice or vote for each \$100.00 or major fraction thereof of assessment that his land is subject to as established by the board under the provisions of Section 4 of this Act.

SECTION 7. CONDUCT OF HEARING ON PETITION TO ESTABLISH DRAIN.) When the hearing provided for in section 61-2114 of the North Dakota Revised Code of 1943 is held, the board shall first prepare a roster or roll of affected landowners 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. A reasonable time shall be afforded landowners to discuss and hear the evidence and opinion for and against the project and the board shall fix a time within which objection to the establishment of the drain as provided by section 61-2115 of the North Dakota Revised Code of 1943 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 signing 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 objections has been reached, the board shall immediately proceed to determine whether or not a majority voice or vote as determined by section 6 herein 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 voice or vote is objecting or not and to adopt the required resolution for discontinuance, if a majority objects.

SECTION 8. ABANDONMENT OF DRAINS AND DISSOLUTION OF DRAINAGE DISTRICTS.) In addition to the reasons or grounds stated in section 61-2164 of the North Dakota Revised Code of 1943 as amended by chapter 14, Laws of 1944, drains may be abandoned and drainage districts dissolved whenever it may be desired to make the existing drain a part of a more comprehensive system of drainage or flood control or when a drain shall have ceased to be useful by reason of the development of other means of drainage, or for any other reason, and the same proceedings shall be taken as are set out in the above mentioned statutes. The abandonment or dissolution shall not relieve the affected property owners from paying their proportionate share of any obligations or expenses that have been incurred in the establishment of said drain and which may not have been paid at the time when the same is abandoned and the drainage district dissolved.

SECTION 9. DRAIN REPAIR WHEN NEW CONSTRUCTION OR IMPROVEMENT IS INVOLVED.) When application is made to the county commissioners as provided by law, to repair and to keep open any established drain, and if the county commissioners shall find that the only practical solution of the problem presented involves the improvement, extension or additional new construction of the drain sought to be repaired, and when the county commissioners shall be in doubt as to whether such construction is within their

jurisdiction, they may by resolution so declare and request the drain board of the county to take charge of said project. The drain board shall thereupon have full control and jurisdiction of said project, even though the major portion thereof may be in the nature of repair instead of construction.

SECTION 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 19, 1949.

CHAPTER 350

Senate Bill No. 116
(Braun and Spiekermeier)

COSTS AND EXPENSES DRAIN LOCATION AND CONSTRUCTION AN ACT

To amend and reenact section 61-2130 of the North Dakota Revised Code of 1943, relating to payment of costs and expenses of locating and constructing drains.

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

SECTION 1. AMENDMENT.) Section 61-2130 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

61-2130. PAYMENT OF COSTS AND EXPENSES OF LOCATING AND CONSTRUCTING DRAIN; WARRANTS ISSUED.) Payment of all expenses and costs of locating and constructing any drain shall be made upon order of the board. Warrants therefor shall be signed by the chairman and secretary of the board. All warrants drawn by the board in payment for the right-of-way or construction of any drain shall be payable from the proper drain fund and shall be receivable by the treasurer for the taxes levied for the right-of-way or construction of 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 shall bear interest at the rate of not to exceed five percent per annum.

Approved February 11, 1949.

CHAPTER 351

House Bill No. 190

(Halcrow, Vernon Anderson, Allen, H. M. McInnes, Arthur Laske,
A. J. Anderson, Saumur, Collette)

CLEANING AND REPAIRING OF DRAINS; SPECIAL
ASSESSMENT LEVY, ETC.

AN ACT

Providing for the cleaning and repairing of drains by boards of county commissioners; providing for the levy of special assessments; repealing section 61-2142 of the North Dakota Revised Code of 1943 as amended, and declaring an emergency.

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

SECTION 1.) All drains that may have been constructed in any county under the laws of this state, except township drains, or that may be constructed under the jurisdiction of a county board of drain commissioners, and situated in this state, shall, except as otherwise provided, be under the charge of the board of county commissioners and, subject to the conditions and limitations herein provided, it shall be the mandatory duty of the board to keep such drains open and in good repair. When any drain is, or may be, situated in more than one county, the maintenance of the portion thereof situated in any county is hereby assigned to the board of county commissioners of such county.

SECTION 2.) The cost of cleaning out and repairing a drain shall, in all cases, be assessed against the lands benefited in the same manner as provided by law for the assessment of the original cost of establishing such drain. Each tract of land shall be assessed the same proportion of the cost of cleaning out and repairing a drain as the proportion of the original cost of such drain was assessed against such tract of land. In cases, where no assessments were made for construction costs the board of county commissioners shall make assessments for the cost of cleaning and repairing such drain after a hearing thereon as prescribed by law in the case of drains originally established by a board of drain commissioners.

SECTION 3.) If the cost of any work of cleaning out or repairing any drain does not exceed one hundred and fifty dollars in any one year, such work may be done by day work or a contract for such work may be let without being advertised. If, however, the cost of maintaining, cleaning out and repairing a drain shall exceed one hundred and fifty dollars, the contract for such work shall be let to the lowest responsible bidder, as provided by law.

The board of county commissioners may, in its discretion, reject any and all bids for cleaning and repairing drains, and may perform such work with county equipment at the expense of the drainage district, or may enter into an agreement with any state or federal agency for such work. Such discretionary power by a board of county commissioners shall expire on June first, 1955. On, and after, June first, 1955, contracts for cleaning out and repairing drains shall be let to the lowest responsible bidder, as provided by law. The term "cleaning out and repairing drains," as herein used, shall be construed to include such deepening, widening and lengthening at outlets as may be necessary to make the drain have a capacity equal to Stewarts run off formula for the Red River Valley as shown in United States Department of Agriculture Bulletin 189, and acquiring, by purchase or by eminent domain, such additional right of way as may be necessary.

SECTION 4.) When a county drain runs through, or adjacent to, an incorporated city or village, the governing body of such city or village is authorized to contribute to the expense of cleaning out, repairing and maintaining the drain, such amount as may be agreed to between such governing board and the board of county commissioners.

SECTION 5.) The levy, in any year, for cleaning out and repairing a drain, shall not exceed fifty cents per acre on any lands in the drainage district. Lands which carried the highest assessment when the drain was originally established may be assessed the maximum amount of fifty cents per acre. Other lands in the drainage district shall be assessed in the same proportion to such maximum amount as the assessment of such lands bore to the maximum assessment levied on lands in the district when such drain was originally established and constructed. 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.

SECTION 6.) If the cost of maintaining, 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, owners of lands subject to assessment for ten percent or more of such cost may petition the board to clean out and repair such drain. When such petition has been filed with the county auditor, the board shall forthwith give ten days' notice by registered mail to all owners of land liable for assessments, of a hearing upon such petition at a convenient time and place. At such hearing, the purpose of the proposed improvement or repair of the drain shall be explained

and the probable cost thereof and other pertinent information shall be furnished. At such hearing, signers of such petition may withdraw their names therefrom, and others may add their names thereto. If, when such hearing has been completed and closed, owners of lands which will be subject to assessments aggregating fifty-one percent or more of the cost of cleaning out or repairing such drain, have signed the original petition, it shall be the duty of the board to cause such drain to be cleaned out and repaired.

SECTION 7. REPEAL.) Section 61-2142 of the North Dakota Revised Code of 1943 as amended be and the same is hereby repealed.

SECTION 8. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1949.

WEEDS

CHAPTER 352

House Bill No. 100

(Moerke, Gumeringer, Benson, Bentz, Thompson of McLean,
Haugen of McLean and Mollett)

CUTTING WEEDS AND GRASSES ALONG TOWNSHIP HIGHWAYS

AN ACT

To amend and reenact Section 2 of Chapter 334, Session Laws of 1945, number 63-0306 of the 1947 Supplement to the North Dakota Revised Code of 1943, relative to the cutting of weeds and grasses along township highways; charging the expense to adjoining owners; defining a running mile.

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

SECTION 1. AMENDMENT.) That section 2 of Chapter 334, Session Laws of 1945 numbered 63-0306 of the 1947 Supplement to the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

2. If any land owner or tenant shall fail to cut the weeds and grasses along township highways, between September fifteenth and October first, unless by special permission from the township Board of Supervisors, it shall be the duty of the township board

of supervisors of such organized townships and Board of County Commissioners in unorganized townships, to cause such weeds and grasses to be cut between October first and November first of each year, and the expense of cutting such weeds and grasses in each organized township shall be certified to the county auditor by the clerk thereof, and all of such charges in organized and unorganized townships shall be charged against the land of the land owner thus failing to cut such weeds and grasses and shall become a part of the taxes to be levied against such land for the ensuing year and shall be collected in the same manner as other real estate taxes are now collected, and placed to the credit of the respective subdivisions entitled thereto. This Act shall not apply to any county, state, and federal highways. 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 the distance of one mile.

Approved February 15, 1949.

CHAPTER 353

Senate Bill No. 140
(Olson of Mountrail and Solberg)

SPRAYING OF WEEDS ALONG TOWNSHIP ROADS

AN ACT

To provide for the spraying of weeds along township roads and authorizing the expenditure of township funds for that purpose.

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

SECTION 1. SPRAYING OF WEEDS.) The township supervisors in organized townships and the county commissioners in unorganized townships, may annually, during the month of June, spray with an approved chemical spray for the eradication of weeds, all township roads and highways.

SECTION 2. PAYMENT, EXPENSE INCURRED.) The expense incurred in carrying out the provisions of this act shall be paid out of any funds raised by tax levy in organized or unorganized townships, including moneys in the road and bridge fund.

Approved March 8, 1949.

WORKMEN'S COMPENSATION

CHAPTER 354

Senate Bill No. 118

(Rue, Braun and Stucke and Nordhougen)

WORKMEN'S COMPENSATION; DEFINITIONS, RATES, ETC.

AN ACT

To amend and reenact subsection 8 of section 65-0102, sections 65-0207, 65-0428, 65-0512, 65-0527, 65-0801 of the North Dakota Revised Code of 1943; subsection 5, of section 65-0102, section 65-0202, 65-0503, 65-0509, 65-0513, 65-0517, 65-0526, 65-0802 and 65-1001 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to workmen's compensation; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 65-0102 of the 1947 Supplement to the North Dakota Revised Code of 1943 and subsection 8 of section 65-0102 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

65-0102. DEFINITIONS.) Whenever used in this title:

5. "Employee" shall mean every person engaged in a hazardous employment under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, and:

a. Such term shall include:

1. All elective officials of this state, including the members of the legislative assembly, all elective officials of the several counties of this state, and all elective peace officers of any city or village;
2. Aliens;
3. Poor relief workers except such as are engaged in repaying to counties relief moneys which the counties have been compelled by statute to expend for poor relief; and
4. Minors, whether lawfully or unlawfully employed; a minor shall be deemed sui juris for the purposes of this act, and no other person shall have any cause of action or right to compensation for any injury to such minor

workman, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor;

b. Such term shall not include:

1. Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer;
2. Any person who is engaged in an illegal enterprise or occupation; nor
3. Any executive officer of a business concern who receives a salary of more than twenty-four hundred dollars per year;

c. Persons employed by a subcontractor or 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;

8. "Injury" shall mean only an injury arising in the course of employment including an injury caused by the willful act of a third person directed against an employee because of his employment, but such term shall not include an injury caused by the employee's willful intention to injure himself or to injure another, nor any injury received because of the use of narcotics or intoxicants while in the course of the employment. Such term, in addition to an injury by accident, shall include:

a. Any disease which can be fairly traceable to the employment. Compensation shall not be paid, however, for any condition which existed prior to the happening of a compensable injury nor for any disability chargeable to such condition. Ordinary diseases of life to which the general public outside of the employment is exposed shall not be compensable except where the disease follows as an incident to, and in its inception is caused by a hazard to which an employee is subjected to in the course of his employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. It need not have been foreseen or expected, but after it is contracted, it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence; and

b. An injury to artificial members;

SECTION 2. AMENDMENT.) Section 65-0202 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0202. OATH OF OFFICE; SALARY.) Before commencing to perform his duties, each commissioner shall file an oath of office in the usual form and shall be bonded by the state bonding department in the sum of five thousand dollars for the faithful discharge of his duties as such commissioner and the proper accounting for all moneys received by him as such officer. Each commissioner shall receive such salary as is appropriated by the legislative assembly.

SECTION 3. AMENDMENT.) Section 65-0207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0207. BUREAU TO HAVE SEAL.) The bureau shall have a seal for the purpose of authentication, whenever authentication is required, upon which seal shall be inscribed the words "Workmen's Compensation Bureau — North Dakota — Seal."

SECTION 4. AMENDMENT.) Section 65-0428 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0428. COMPLYING EMPLOYERS NOT LIABLE FOR INJURIES TO OR DEATHS OF EMPLOYEES; COMMON LAW ACTIONS BARRED.) Employers who comply with the provisions of this chapter shall not be liable to respond in damages at common law or by statute for injury to or death of any employee, wherever occurring, during the period covered by the premiums paid into the fund.

SECTION 5. AMENDMENT.) Section 65-0503 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0503. JURISDICTION OF BUREAU TO HEAR QUESTIONS WITHIN ITS JURISDICTION; FINALITY OF DETERMINATION.) The bureau shall have full power and authority to hear and determine all questions within its jurisdiction, and its decisions, except as provided in chapter 10, of this title, shall be final. Before an award for permanent disability can be made to a claimant, the bureau shall give notification in writing, by registered mail, addressed to the employer of said claimant at his last known address, of their intention to make such award, outlining reasons and amount of such evaluation and giving the employer ten days in which to file a written protest to such award. If such protest is registered by the employer, the bureau shall set a date of hearing to show cause, if any there be, why such award should not be made, and

shall notify the employer of the date set, and the bureau shall order an examination of the claimant on or before the date set for the hearing by a duly qualified physician licensed to practice and practicing his profession in the state of North Dakota, designated by the employer.

SECTION 6. AMENDMENT.) Section 65-0509 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0509. TOTAL DISABILITY; WEEKLY AND AGGREGATE COMPENSATION.) If the injury causes temporary or permanent total disability, the fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent of his weekly wage. In case of temporary total disability, there shall be paid to such disabled employee an additional sum of five dollars per week for a dependent spouse plus two dollars per week for each dependent child under the age of eighteen years, and for each child over eighteen years and incapable of self-support due to physical or mental disability and whose maintenance is the responsibility of the claimant. Dependency awards for the spouse and children may be made direct to the spouse at the discretion of the bureau. In no event shall the total weekly payment to the totally disabled employee exceed the sum of thirty-seven dollars per week, and in no case shall the compensation award exceed the actual wage of the disabled employee except in those cases on which the minimum compensation award is applied.

SECTION 7. AMENDMENT.) Section 65-0512 of 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 twenty-two dollars 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 twenty-two dollars per weeks the difference between twenty-two dollars 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.

SECTION 8. AMENDMENT.) Section 65-0513 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0513. SCHEDULED INJURIES; PERMANENT LOSS OF MEMBER; WEEKLY COMPENSATION; TIME COMPENSATION PAYABLE.) If the injury causes the loss of a member, the fund shall pay to the disabled employee a weekly compensation equal to twenty-two dollars per week for the following periods:

1. For loss of arm at shoulder	234	weeks ;
2. For loss of arm at or above elbow.....	213.5	weeks ;
3. For loss of hand at or above wrist.....	195	weeks ;
4. For loss of thumb	60	weeks ;
5. For loss of second or distal phalange of thumb	25	weeks ;
6. For loss of first finger.....	35	weeks ;
7. For loss of middle or second phalange of first finger.....	25	weeks ;
8. For loss of third or distal phalange of first finger.....	20	weeks ;
9. For loss of second finger.....	25	weeks ;
10. For loss of middle or second phalange of second finger.....	20	weeks ;
11. For loss of third or distal phalange of second finger.....	12	weeks ;
12. For loss of third finger.....	18	weeks ;
13. For loss of middle or second phalange of third finger.....	14	weeks ;
14. For loss of third or distal phalange of third finger.....	8	weeks ;
15. For loss of fourth finger.....	16	weeks ;
16. For loss of middle or second phalange of fourth finger.....	12	weeks ;
17. For loss of third or distal phalange of fourth finger.....	6	weeks ;
18. For loss of leg at hip.....	234	weeks ;
19. For loss of leg at or above knee.....	195	weeks ;
20. For loss of foot at or above ankle.....	136.5	weeks ;
21. For loss of great toe	25	weeks ;

22. For loss of second or distal phalange of great toe..... 15 weeks;
23. For loss of any other toe..... 10 weeks;
24. For loss of middle or second phalange of any other toe..... 8 weeks;
25. For loss of third or distal phalange of any other toe..... 5 weeks;
26. For loss of an eye.....100 weeks;
27. For loss of hearing in one ear..... 29.25 weeks;
28. For loss of hearing in both ears.....156 weeks;
29. In no case will the amount received for more than one finger exceed the amount provided in this schedule for loss of a hand;
30. For the loss of the metacarpal bone, (bones of the palm, for the corresponding thumb, finger, or fingers as above) add ten weeks to the number of weeks above;
31. Loss of use. Permanent loss of use of thumb, finger, toe, arm, hand, foot, leg, or eye shall be considered as the equivalent of the loss of such thumb, finger, toe, arm, hand, foot, leg, or eye, and that compensation for partial loss of use of said parts be allowed on a percentage basis; that 25% additional be allowed where it involves compensation for the following:
 - a. Loss of use of the master hand or any member or members thereof, and/or
 - b. Loss of use on a percentage basis of the master hand or any member or members thereof; and/or
 - c. Amputation of the master hand or any member or members thereof;
32. The loss of any part of a phalange is equal to the loss of the entire phalange.

If any employee dies, the right of any compensation payable under section 65-0512 of this section, unpaid at the date of his death shall survive and pass to his dependents, which dependents shall be limited to the surviving spouse, minor children, and parents.

SECTION 9. AMENDMENT.) Section 65-0517 of the 1947 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 the 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 of age, 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 no widow, widower, or child. If there is a widower, widow 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 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 more than one are wholly dependent, thirty percent, divided among

such dependents, share and share alike; if none of them are wholly dependent but one or more are partly dependent, ten percent divided among such dependents, share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child or dependent parent, there shall be paid only such part of the foregoing percentages that, when added to the total percentages payable to the widow, widower, children, and dependent parents, the sum shall not exceed a total of 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, a sister, or grandchild, dies, marries, or reaches the age of eighteen years, or if over eighteen years of age and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his guardian.

The weekly wages of the deceased employee shall be considered to have been not more than thirty-five dollars, and not less than twenty-five dollars. The increase in payments resulting from the enlargement of the salary base shall be payable to all pensioners and dependents but only from and after the taking effect of this act.

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 only to the claims filed from and after the taking effect of this act.

SECTION 10. AMENDMENT.) Section 65-0526 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0526. BUREAU BURIAL EXPENSES.) If death results from an injury within six years, the fund shall pay to the personal representatives of the deceased employee burial expenses not to exceed three hundred dollars.

At the discretion of the bureau, when transportation of the corpus involves unusual distances for the purpose of burial, an additional award may be made for these expenses but such award shall not exceed the sum of one hundred dollars. This paragraph

shall apply only to the claims filed from and after the taking effect of this Act.

SECTION 11. AMENDMENT.) Section 65-0527 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0527. BUREAU WITHOUT PROBATE PROCEEDINGS MAY PAY SPOUSE OF DECEASED CLAIMANT SUM DUE DECEASED.) If a compensation claimant dies and there is due to his or her estate any sum not exceeding one hundred fifty dollars, the bureau, without probate proceedings, may pay to the spouse of such claimant, if living, or in the event of his or her death or incompetency, to any adult person who has assumed or paid the expenses of the last illness or funeral expense of the said claimant, the balance remaining due as hereinbefore limited.

SECTION 12. AMENDMENT.) Section 65-0801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0801. EXTRATERRITORIAL COVERAGE FURNISHED UNDER SPECIAL CONTRACT ONLY; EXCEPTION.) 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 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.

SECTION 13. AMENDMENT.) Section 65-0802 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0802. RECIPROCITY IN EXTRATERRITORIAL APPLICATION OF COMPENSATION ACTS OF VARIOUS STATES PROVIDED.) An employee who is a resident of another state and who is employed by an employer of another state and insured under the workmen's compensation act, or any similar act, of such other state, shall be exempted from the provisions of this title while temporarily within this state doing work for such nonresident employer, and such nonresident employer also shall be exempted if he has furnished to such employee workmen's compensation insurance in such other state covering his employment in North Dakota, and if extraterritorial coverage furnished by the bureau and granted to em-

ployers resident in North Dakota covering employment of his employees while working in such other state is recognized by such other state, and such employer and employee are exempted from the application of the workmen's compensation act or similar act of such other state. If the annual pay roll expended within North Dakota by a nonresident employer exceeds one thousand dollars then the out of state employer shall no longer be considered as operating in North Dakota on a temporary basis. North Dakota residents when working within the state of North Dakota for out of state employers who have complied with the provisions of this section shall be covered by the provisions of the state in which the employer is covered and shall be excluded from participation in the benefits of the North Dakota fund.

SECTION 14. AMENDMENT.) Section 65-1001 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-1001. APPEAL; RIGHT OF; HOW TAKEN.) If the final action of the bureau denies the right of the claimant to participate at all in the fund on the ground that the injury was self-inflicted, or on the ground that the accident did not arise in the course of the employment, or upon any other ground going to the basis of the claimant's right, the claimant may appeal to the district court of the county wherein the injury was inflicted. Provided, that the payment of doctor, hospital and medical bills by the bureau shall not be deemed, for the purpose of this section, a participation in the fund by the claimant. And provided further that said amendment shall be retroactive. 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 section 28-3201 of the title Judicial Procedure, Civil, as now or hereafter amended. In such a proceeding, the state's attorney of the county where 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.

SECTION 15. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 19, 1949.

CHAPTER 355

House Bill No. 126
(Frank, Helm, Esterby and Moerke)

INJURY THROUGH NEGLIGENCE OF THIRD PERSON
AN ACT

To amend and reenact section 65-0109 of the North Dakota Revised Code of 1943, relating to injury through negligence of third person.

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

SECTION 1. AMENDMENT.) Section 65-0109 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

65-0109. INJURY THROUGH NEGLIGENCE OF THIRD PERSON; OPTION OF EMPLOYEE; FUND SUBROGATED WHEN CLAIM FILED.) When an injury or death for which compensation is payable under the provisions of this title shall have been sustained under circumstances creating in some person other than the fund a legal liability to pay damages in respect thereto, the injured employee, or his dependents may claim compensation under this title and obtain damages from, and proceed at law to recover damages against such other person. If compensation is claimed and awarded under this title, the fund shall be subrogated pro tanto to the rights of the injured employee or his dependents to the extent of amount of compensation paid. The action to recover such damages against such other person shall be brought in the name of the injured employee, or his dependents in the event of his death, in his or in his dependents' own right and name for the balance of compensation due him and as trustee for the workmen's compensation bureau for what it has paid on such claim. Expenses and costs of such litigation shall be prorated between claimant and bureau, should any damages be awarded. If no damages are awarded, the cost of the litigation shall be paid by the employee.

Approved March 10, 1949.

INITIATED MEASURES**Approved****CHAPTER 356****PROHIBITING WEARING OF RELIGIOUS DRESS OR GARB
BY PUBLIC SCHOOL TEACHERS****AN ACT**

Prohibiting teachers in public schools from wearing any garb denoting religious order or denomination and providing penalties.

Be It Enacted by the People of the State of North Dakota:

SECTION 1.) No teacher in any public school in this state shall wear in said school or while engaged in the performance of his or her duties as such teacher any dress or garb indicating the fact that such teacher is a member of or an adherent of any religious order, sect, or denomination.

SECTION 2.) Any public school teacher who shall violate any of the provisions of this Act shall have his or her certificate suspended by the state superintendent of public instruction for one year, and upon the conviction of such teacher for a second such offense, his or her teacher's certificate shall be permanently revoked and annulled by the state superintendent of public instruction as provided by law.

SECTION 3.) All acts or parts of acts in conflict herewith are hereby repealed.

Approved June 29, 1948.

104133 to 92771

CHAPTER 357**PROHIBITING PARKING METERS IN POLITICAL
SUBDIVISIONS, ETC.****AN ACT**

Making it unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway department, to establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota.

Be It Enacted by the People of the State of North Dakota:

SECTION 1.) From and after the passage of this measure, it shall be unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway de-

partment to establish and maintain any mechanical device or devices known as "parking meters", or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota.

SECTION 2.) Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void.

SECTION 3.) All acts or parts of acts in conflict herewith are hereby in all things repealed.

Approved June 29, 1948.

96192 to 93670

CONSTITUTIONAL AMENDMENTS

Proposed

CHAPTER 358

Senate Concurrent Resolution A
Introduced by the Legislative Research Committee

RATIFICATION PROPOSED AMENDMENT U. S. CONSTITUTION

Ratification proposed amendment to the Constitution of the United States relating to the terms of office of the President.

WHEREAS, the 80th Congress of the United States of America, at the first session, begun and held at the city of Washington on Friday, the third day of January, one thousand nine hundred and forty-seven, by a constitutional majority of two-thirds thereof, made and passed a proposal to amend the Constitution of the United States of America, which joint resolution was duly ratified by Congress and approved by the President of the United States, to-wit:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states:

“ARTICLE —

“SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

“SECTION 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.”

Therefore, Be It Resolved, by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the said foregoing proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the Legislative Assembly of the State of North Dakota.

AND BE IT FURTHER RESOLVED, that certified copies of this Concurrent Resolution be forwarded by the Governor of this State to the Secretary of State for the United States of America at Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the National Congress.

Filed March 3, 1949.

CHAPTER 359

House Concurrent Resolution F

(Helling, Wollitz, Schade, Schwartz, Stark, Hammer, Haugen, Larson,
Cote, Lillehaugen)

GRADUATED LAND TAX

A concurrent resolution providing for an amendment to the constitution of the state of North Dakota, relating to taxation and authorizing the people or the legislature to subject property to a progressive graduated tax increasing according to area or value or both.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

The following proposed amendment to 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 in June, 1950, in accordance with the provisions of section 202 of the constitution of the state of North Dakota, as amended.

SECTION 1. AMENDMENT.) Section 176 of the constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 176. Taxes shall be uniform upon the same class of property including franchises within the territorial limits of the authority levying the tax, except that the people or the legislature, may subject property, to a progressive graduated tax, increasing according to area or value or both. The legislature may by law exempt any or all classes of personal property from taxation and within the meaning of this section, fixtures, buildings and improvements of every character, whatsoever, upon land shall be deemed personal property. The property of the United State and of the state, county and municipal corporations and property used exclusively for schools, religious, cemetery, charitable or other public purposes shall be exempt from taxation. Except as restricted by this article, the legislature may provide for raising revenue and fixing the situs of all property for the purpose of taxation. Provided that all taxes and exemptions in force when this amendment is adopted shall remain in force until otherwise provided by statute.

Filed March 5, 1949.

CHAPTER 360

Senate Concurrent Resolution B
(Legislative Research Committee)

LOCATION OF SCHOOL FOR THE BLIND

A concurrent resolution providing for the amendment of subdivision 2 of section 216 of Article XIX of the Constitution of the State of North Dakota as amended.

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, 1950, in accordance with the provisions of section 202 of the North Dakota Constitution as amended.

SECTION 1. AMENDMENT.) Subdivision 2 of section 216 of Article XIX of the Constitution of the state of North Dakota as amended is hereby reenacted to read as follows:

SECTION 216:

SECOND: The North Dakota school for the blind at such place within the state as shall be selected by the board of administration, with a grant of thirty thousand acres.

Filed March 3, 1949.

CONSTITUTIONAL AMENDMENTS**Approved**

BOND ISSUE WORLD WAR II ADJUSTED COMPENSATION

(Chapter 123, S. L. 1947)

ARTICLE 59

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 of not to exceed \$27,000,000.00, the proceeds thereof to be used in the payment of adjusted compensation to North Dakota veterans of World War II on the basis of term of service, and under such terms and conditions as the legislative assembly may prescribe.

Approved June 29, 1948.

126573 to 55377

STATE MEDICAL CENTER—ONE MILL TAX LEVY

(Chapter 119, S. L. 1947)

ARTICLE 60

SECTION 1.) Upon the adoption of this amendment to the constitution of the state of North Dakota there shall be annually levied by the state of North Dakota one mill upon all of the taxable property within the state of North Dakota which, when collected, shall be covered into the state treasury of the state of North Dakota and placed to the credit of the North Dakota State Medical Center at the University of North Dakota; said fund shall be expended as the legislature shall direct for the development and maintenance necessary to the efficient operation of the said North Dakota State Medical Center.

SECTION 2.) This amendment shall be self-executing, but legislation may be enacted to facilitate its operation.

Approved November 2, 1948.

108133 to 86262

REFERRED MEASURES**Approved**

REGULATING LABOR RELATIONSHIPS, UNIONS OR OTHER
ASSOCIATIONS, STRIKES, ETC.

Referendum of House Bill No. 160, thirtieth legislative assembly of the state of North Dakota, which is an Act providing the public policy of the state of North Dakota to be: That workers are free to associate or decline to associate with their fellows, but they shall have the right to associate and to organize with fellow employees and to designate representatives of their own choosing to negotiate as to rates of pay, hours, working conditions, and other things, and they are free to obtain employment wherever possible without interference or hindrance; That a contract made and entered into between an employer of labor and a worker or workers, or any agent, bargaining agent or representative of a worker or workers shall be binding and equally enforceable upon both parties to said contract.

That each labor union shall file with the secretary of state, a verified written statement and report concerning their aims, objects, dues, initiation fees, fines and assessments of members, salaries, names, addresses and official name of officers, and the full and actual name under which it shall operate, the filing of the same to be a pre-requisite to the right to operate as a labor union, and to act as a bargaining agent for workers and to negotiate and execute a contract with the employer relating to wages, hours, working conditions and other things; that such labor union shall make an annual, written verified financial report with the secretary of state to be filed by him as a public record; That labor unions must file the name by which they may proceed and be proceeded

against in the courts of this state; That all contracts entered into by labor unions and employers without having first complied with the provisions of this Act are null and void; That after a labor union has complied with all provisions of the Act, it shall only have the right to act as bargaining agent for workers, if lawfully selected and appointed.

That a fair and impartial election by secret ballot shall be had by employees on the question of appointing a bargaining agent and of calling a strike; That an election board of three members shall conduct an impartial election on said question or questions; That 51% of all employees must vote in favor of said question in order to carry such election; That it shall be unlawful to picket employers or to call a strike unless 51% or more of the employees vote at such election to strike; That such picketing or strike shall be had only in the particular separate establishment of such employer decided on said election. That boycotting, secondary boycotts, and sympathy strikes are illegal; That injunctive relief by the courts may be sought to restrain violations of this Act; That this Act shall not apply to employers and employees engaged in interstate commerce and governed by federal laws covering labor relations and disputes; That all Acts or parts of Acts in conflict herewith are hereby repealed; That this Act is hereby declared to be an emergency measure.

Approved June 29, 1948.

85206 to 60976

RIGHT TO WORK NOT TO BE DENIED OR ABRIDGED ON
ACCOUNT OF MEMBERSHIP OR NON-MEMBERSHIP
IN LABOR ORGANIZATION

Referendum of House Bill No. 151, thirtieth legislative assembly of the state of North Dakota, which is an act providing that the right of persons to work will not be denied or abridged on account of membership or non-membership in any labor union or labor organization. All contracts denying or abridging such right to work on account of such membership or non-membership in any labor union or labor organization, are invalid, void and unenforceable.

Approved June 29, 1948.

105192 to 53515

INITIATED MEASURES**Disapproved**

**REPEALING MEASURE PROHIBITING DISTRIBUTION OF
ALCOHOLIC BEVERAGES WHERE OTHER COMMODITIES
ARE SOLD****AN ACT**

To repeal the initiated measure (Chapter 381 of the Session Laws of North Dakota for 1947) approved November 5, 1946, prohibiting the sale, gift, or consumption of alcoholic beverages in any establishment within the state of North Dakota where there is sold any commodity other than tobacco, tobacco products, and soft drinks; defining alcoholic beverages; making it unlawful to maintain connecting archways or doorways between establishments where alcoholic beverages are sold and other places of business; and repealing conflicting Acts.

Disapproved June 29, 1948.

100612 to 92717

**REPEAL OF INITIATED MEASURE APPROVED JUNE 29, 1948,
MAKING PARKING METERS UNLAWFUL****AN ACT**

To repeal the initiated measure approved June 29th, 1948, making it unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages and the state highway department to establish and maintain any devices known as "parking meters", or by whatever name designated, requiring the deposit of coins or tokens therein for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota, and declaring void any existing ordinance or resolution authorizing the use of such devices.

Disapproved November 2, 1948.

112227 to 89433

CONSTITUTIONAL AMENDMENTS

Disapproved

STATE INSTITUTIONAL BUILDING FUND TAX LEVY

(Chapter 124, S. L. 1947)

A concurrent resolution for an amendment to the constitution of the state of North Dakota authorizing and directing the state board of equalization to levy a tax of four mills on the dollar of the assessed valuation of all taxable property in the state, in addition to the four mill levy authorized under section 174 of the constitution, for the purpose of creating a fund for construction of, and improvements and additions to, buildings of state penal, charitable, and educational institutions.

Disapproved June 29, 1948.

100853 to 64747

AUTHORIZING MUNICIPAL LIQUOR STORES

(Chapter 118, S. L. 1947)

A concurrent resolution providing for an amendment to the constitution of the state of North Dakota, permitting municipal liquor stores.

Disapproved November 2, 1948.

127529 to 84857

LEGISLATIVE ASSEMBLY MAY FIX SALARY AND EXPENSES OF ITS MEMBERS AND ELECTIVE STATE OFFICIALS

(Chapter 122, S. L. 1947)

A concurrent resolution for the amendment to the constitution of the state of North Dakota providing for a special levy of one mill upon all taxable property within the state of North Dakota to produce a fund for the North Dakota State Medical Center at the University of North Dakota.

Disapproved November 2, 1948.

110179 to 77348

POST WAR REHABILITATION RESERVE FUND — TWO MILL TAX LEVY

(Chapter 120, S. L. 1947)

A concurrent resolution for an amendment to the constitution of the state of North Dakota, permitting a special two-mill levy for ten consecutive years, upon all taxable property within the state of North Dakota, to be credited to the post-war rehabilitation reserve fund.

Disapproved November 2, 1948.

112719 to 71729

VETOES

Senate Bill No. 214
(Day)

TEMPORARY INCREASE IN INCOME TAXES
AN ACT

Providing for a temporary increase in income taxes, to remain in effect until the bonds issued in connection with the adjusted compensation to veterans of World War II have been paid.

VETO

March 15, 1949

The Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota
Dear Mr. Hall:

Transmitted herewith without my approval is Senate Bill No. 214, a bill providing for an increase in income taxes.

North Dakota at 15 per cent has the highest state income tax. Colorado and Minnesota come next with 10 per cent each. For the year ending June 30, 1948, income tax supplied \$5,026,000 of an \$11,388,984.66 general fund revenue for our state.

Income tax is recognized as basically a federal source of revenue as evidenced by the much higher federal rates and collections.

To add to our already highest state income tax would definitely discourage farming, industrial and business development so essential to a balanced economy for North Dakota. All of our income taxpayers have reached more than a maximum if private enterprise is going to survive.

I therefore veto this bill.

Respectfully submitted,
FRED G. AANDAHL
Governor

FGA:ah

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

SECTION 1. VETERANS' ADJUSTED COMPENSATION INCOME TAX.) An additional tax on all persons, firms and corporations liable for the payment of income tax, equal to ten per cent of the income tax calculated under income tax laws at the time for which

the tax is calculated, shall be paid and reported as other income taxes are paid and reported and shall be separately known and designated as the "Veterans' Adjusted Compensation Income Tax."

SECTION 2. WHEN DISCONTINUED.) Such Veterans' Adjusted Compensation income tax payments shall be due and payable on the income tax liability developed in the year 1949, and shall continue until all bonds issued to raise funds for the payment of adjusted compensation to North Dakota veterans of World War II, together with interest thereon, shall have been paid, or the accumulation in the sinking fund is sufficient to pay all bonds with interest thereon, whereupon this income tax shall be discontinued.

Filed March 15, 1949.

Senate Bill No. 84
(Morgan, Flatt, Braun and Bridston)

STATE-OWNED CEMENT PLANT

AN ACT

To provide for a survey by research foundation to determine feasibility of establishing state-owned cement plant, and providing appropriation for such survey; authorizing industrial commission to establish a state-owned cement plant if deemed feasible; providing that said state-owned cement plant be designated as "The State of North Dakota, doing business as the North Dakota State Cement Plant"; granting power and authority to the industrial commission to manage and operate said plant, acquire property therefor by purchase, lease or eminent domain, and do all other acts necessary in the management thereof; providing for maintenance of civil actions by or against the state in connection with said state-owned cement plant; providing for annual audits of the operations of said plant; providing for bond issue of not to exceed Five Million (\$5,000,000.00) Dollars for the construction of said plant; providing for the execution of mortgages on properties of the state acquired for said state-owned cement plant to be held in trust by the state treasurer as security for payment of bonds issued; providing for recording of said mortgages; authorizing issuance of bonds, amount, series, manner of execution, sale, to whom payable, maximum interest thereon, manner of payment, establishing fund for payment thereof in state treasurer's office; providing for levies or interest and principal of said bonds; making appropriations for payment of the bonds and for payment of expenses to put this action into effect: providing for investment of sinking fund, and exempting said bonds from state, county and municipal taxes

VETO

March 17, 1949

The Honorable Thomas Hall
Secretary of State
Bismarek, North Dakota
Dear Mr. Hall:

Transmitted herewith without my approval is Senate Bill No. 84, a bill authorizing the construction of a state owned cement plant. The known limestone deposits of North Dakota are limited and not of first quality for cement. In our state we can offer no effective competition in the cost of manufacture of cement. The saving to our people would come in a shorter freight haul which at present prices would be about twenty-five cents per bag for about half the cement we use. There has been a post war shortage of cement but it is reasonable to assume that the industry will correct that within a year or two.

Government should not enter the field of industry unless there is extraordinary and decided advantages to be gained for the people.

A state owned cement plant in North Dakota at best would be a marginal venture. It should be our purpose to give private enterprise all possible encouragement and not constantly challenge it with new state owned industries. I will not give my approval to the investment of \$5,000,000 of taxpayers' money in such a project.

Our experience with a state owned Mill and Elevator should teach us to be cautious. There is better than \$8,000,000 of taxpayers' money invested in that institution. On December 31, 1948, inventories showed a net worth of \$5,719,496.75. With a few political exceptions it has always bought grain at the open market value and sold its products at the same price as private enterprise. It has been there all these years as a tax exempt business not supporting the normal functions of government as taxable industry does. This year, however, we have started to use a little of the revenue for other purposes. It has been only during the past ten years with the best of non-political management and war time prosperity that it has made enough profit to build net inventories to operating solvency.

The Mill and Elevator's greatest benefit to our people is the lesson it has taught against the advisability of government venturing into ordinary business. This is a high priced lesson. I profit by this lesson and hereby veto this bill.

Respectfully submitted,
FRED G. AANDAHL
Governor

FGA :ah

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

SECTION 1.) The research foundation of the state of North Dakota is hereby authorized and empowered to make and conduct a complete survey and investigation for the purpose of determining whether it is commercially and economically feasible to establish a state-owned cement plant in the state of North Dakota.

SECTION 2.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of Twenty-five Thousand (\$25,000.00) Dollars, to pay for a survey and investigation by the research foundation to determine the feasibility of establishing a state-owned cement plant in the state of North Dakota. Upon the completion of such survey and investigation, the research foundation shall make a complete report of its findings concerning the establishment of a state-owned cement plant to the industrial commission, which report and conclusions shall contain all of the factors involved in the determination of the feasibility of establishing a state-owned cement plant in the state of North Dakota, such as location, cost of construction, the best type of construction, access to natural deposits for the manufacture and production of cement, access to transportation facilities, marketing data, and any and all other factors that will aid in determining the commercial and economic feasibility of establishing a state-owned cement plant.

SECTION 3.) Should the research foundation in its report to the industrial commission determine, after a complete survey and investigation, that it is feasible to construct and operate a state-owned cement plant, the industrial commission may for the purpose of promoting submit to the electors of the state the question of issuing bonds on the state in an amount not exceeding five million dollars for the purpose of engaging in the business of manufacturing, producing, distributing and selling of cement, and establishing a state-owned cement plant in the state of North Dakota. All business of said state cement plant shall be conducted under the name of "The State of North Dakota, doing business as the North Dakota State Cement Plant." In the creation and establishment of a state-owned cement plant, it is the intention of the legislative assembly that all acts of said state cement plant shall be the acts of the state of North Dakota, functioning in its sovereign and governmental capacity. The North Dakota state-owned cement plant shall not be construed to be a separate sovereign agency of the sovereign power but is the state itself functioning in its sovereign capacity. The title to all property pertaining to the operation of a state-owned cement plant shall be obtained and conveyed in the name of "The State of North Dakota, doing business as the North Dakota State Cement Plant." Written

instruments so executed in the name of the state of North Dakota shall be signed by two members of the industrial commission, of whom the governor shall be one, or the manager of the state-owned cement plant within the scope of his authority as defined by the industrial commission.

SECTION 4.) When a North Dakota state cement plant is established, the industrial commission shall operate, manage and control the same, locate and maintain its place or places of business, and shall make and enforce orders, rules, regulations and by-laws for the transaction of all of its business. The business of the North Dakota state cement plant, in addition to other matters herein specified, may include anything that any such industry may lawfully do, except as herein restricted; but this provision shall not be held to, in any way, limit or qualify either the power of the industrial commission herein granted, or the functions of a state-owned cement plant as herein defined. The industrial commission shall, as soon as the research foundation has determined the feasibility of establishing a state-owned cement plant, meet for the purpose of determining whether such question shall be submitted to the electors.

SECTION 5.) To accomplish the purpose of this act, the industrial commission may acquire by purchase, lease or right of eminent domain, as provided by Chapter 32-15 of the North Dakota Revised Code of 1943, all required property and property rights, may construct, remodel and repair buildings for that purpose, may acquire by purchase all machinery and equipment and all other things necessary, incidental or convenient in the manufacturing and marketing of cement within or without the state of North Dakota, and may dispose of any and all products and by-products connected with the manufacturing of cement, on such terms and conditions and under such rules and regulations as the commission may determine.

SECTION 6.) The industrial commission shall obtain such assistance as in its judgment it may deem necessary for the establishment, maintenance and operation of a state-owned cement plant. It may appoint a manager and such other subordinate officers and employees as it may deem necessary and expedient to employ. It may constitute such manager as its general agent in respect to all of the functions of said state-owned cement plant, subject, nevertheless, to the supervision, limitation and control of the commission. It may employ such architects, contractors, builders and other experts, agents and servants as in the judgment of the commission the interest of the state may require and shall define their duties and designate their titles, fix their compensation and bond; provided, however, that such employees shall be subject to the control and regulation of the commission. The

industrial commission may grant the manager of the state-owned cement plant power to appoint and employ such deputies and subordinates, contractors, architects, builders, attorneys, clerks, accountants and other servants as he shall, in his judgment, deem to be required in the interests of the construction and operation of a state-owned cement plant. The compensation of all such employees, together with the expenditure of the operation and maintenance of a state-owned cement plant, shall remain within the appropriation provided by law. The industrial commission shall determine the employees who shall be bonded and the amount of the bond for each such employee, said bonds to be obtained from the state bonding fund as now provided by law.

SECTION 7.) The industrial commission may remove and discharge any and all persons appointed in the exercise of the powers granted by this act, whether the said employees were appointed directly by the commission or by the manager of the state-owned cement plant, and any such removal may be made whenever in the judgment of the commission the public interest requires such removal; provided, however, that all appointments and removals contemplated by this act shall be made by the commission to promote the efficiency of the operation and management of a state-owned cement plant and to procure the most effective and efficient service thereof in the interests of the state.

SECTION 8.) The industrial commission shall fix the selling price of all things sold incidental to the operation of a state-owned cement plant. In fixing such price or prices, the same shall be fixed, as near as may be, at cost, and there shall be taken into consideration, in addition to other necessary costs, a reasonable charge for depreciation of all property, all overhead expenses and a reasonable surplus, together with all amounts required for the re-payment with interest of funds received from the state.

SECTION 9.) Civil actions may be brought by or against the state of North Dakota on account of causes of action claimed to have arisen out of transactions connected with the operation of a state-owned cement plant upon the conditions and in the manner herein set forth. In such actions the state shall be designated as, "The State of North Dakota, doing business as the North Dakota State Cement Plant," and the service of process therein shall be made upon the manager of the state-owned cement plant. Any action against the state shall be brought in the county where the state-owned cement plant shall have its principal place of business, except as provided in sections 28-0401, 28-0402, 28-0403, 28-0404, 28-0406, and 28-0407. The provisions of sections 54-1003 and 54-1404 shall not apply to claims against the state effected by the provisions of this section.

SECTION 10.) The books, records, accounts, inventories, stock of merchandise, supplies, equipment and all the affairs of the state-owned cement plant shall be audited and examined once in each year by the state board of auditors. The audit shall be made as soon as possible after the 30th day of June of each year. Said audit and the report thereof shall disclose accurately the condition of the state-owned cement plant as of the 30th day of June of that year. Profits and losses shall be computed only on such contracts and commitments, or parts thereof, as shall have been completed on said date, and no estimate or forecast shall be made as to the probable loss or gain on transactions to be completed after said date. Inventories of supplies and stocks on hand shall be computed at the market price on said date. The report shall disclose the actual obligations and commitments of the state-owned cement plant on existing unfulfilled and uncompleted transactions and contracts, and the consideration and price fixed in said contracts, if, in the judgment of said auditors, the same shall be necessary to a full and complete audit, but the report shall constitute a factual report of the conditions, and, to the fullest extent possible, all estimates, forecasts and probabilities shall be eliminated therefrom. Copies of such audit shall be filed with the industrial commission, the manager of the state-owned cement plant, the state board of auditors, and a consolidated balance sheet and operation statement shall be made public.

SECTION 11.) For the purpose of providing funds for the construction of a state-owned cement plant, the state of North Dakota shall when authorized by a vote of the majority of the electors voting thereon issue bonds, not in excess of the amount of Five Million (\$5,000,000.00) Dollars, under the conditions and in the manner hereinafter set forth. Said bonds shall be known as "Bonds of North Dakota, State Cement Plant Series."

SECTION 12.) When the research foundation has ascertained and reported that it is commercially and economically feasible to establish a state-owned cement plant in the state of North Dakota, and when authorized by a vote of a majority of the electors voting thereon the industrial commission may, for the purpose of constructing and establishing the same, authorize the issuance of bonds of the state of North Dakota, not in excess of Five Million (\$5,000,000.00) Dollars, to be sold and paid as hereinafter provided.

SECTION 13.) When the industrial commission shall deem it expedient so to do, it shall cause mortgages to be executed in the manner prescribed by section 3 hereof. The grantee and mortgagee designated in said mortgages shall be "The State Treasurer of North Dakota and his successors in office, in trust." Each mortgage shall be executed and delivered to the treasurer of

North Dakota and his successors in office, in trust, as security for bonds to be issued by the state of North Dakota under the designation of "Bonds of North Dakota, State Cement Plant Series." The property described in and covered by said mortgages shall be such property as is owned by, or may be acquired for the state of North Dakota, doing business as the North Dakota State Cement Plant and dedicated to, or acquired for, the use thereof by the industrial commission. All property dedicated to or acquired for the state of North Dakota, doing business as the North Dakota State Cement Plant, shall be described in and covered by first mortgages so that at all times all of the property of the state of North Dakota, doing business as the North Dakota State Cement Plant shall be pledged to the payment of all of the bonds issued, sold and delivered under the provisions of this act, and attached to each of said mortgages and incorporated by reference into the provisions thereof, shall be an itemized statement of all of the property specified and covered therein, showing the true value of each item thereof based upon appraisal made under the direction of the industrial commission and verified by oath of the appraisers. Said mortgages shall be a first lien upon all of said property.

SECTION 14.) Said mortgages shall be duly recorded in each county in which the property affected thereby is situated. As soon as such mortgages are recorded, they shall be delivered to the state treasurer, and retained by the state treasurer and his successors in office, in trust, until the bonds secured thereby as provided by this act shall be fully paid.

SECTION 15.) As soon as the state treasurer shall receive such mortgages so recorded, he shall notify the governor, the state auditor and the secretary of state, who shall thereupon immediately inspect them; and upon ascertaining from such examination and inspection that said mortgages have been duly and properly executed and recorded, it shall be the duty of the state treasurer to immediately prepare for issue, and the governor and the state treasurer shall thereafter issue, negotiable bonds of the state of North Dakota in an amount not exceeding the value of the property included in the terms of said mortgage as expressed in the itemized statements and valuations attached to said mortgages as provided in section 13 of this act, and in no event in excess of Five Million (\$5,000,000.00) Dollars as hereinbefore provided. Each of the bonds so issued shall contain a recital that it is secured by first mortgages deposited with the state treasurer of North Dakota, upon property of the state, dedicated to the use of the state of North Dakota, doing business as the North Dakota State Cement Plant; that it is issued in pursuance of the provisions of this act; said bonds shall be executed by the governor and the state treasurer under the great seal of the state of North Dakota.

and shall be attested by the secretary of state. The auditor and secretary of state shall endorse and sign on each bond, when issued, a certificate showing that it has been issued pursuant to law and is within the debt limit. The bonds so issued shall be designated as "Bonds of North Dakota, State Cement Plant Series," and may be issued in series from time to time as the industrial commission may by order designate and require. Said bonds shall provide that the same may be prepaid and shall recite the prepayment option in full, and may be callable under said prepayment option upon thirty days written notice to the purchaser or holder thereof, if known, and if not known, by publication of a notice of the desire of the state to prepay the same in some nationally known bond and financial journals, and in a daily newspaper of general circulation in the state of North Dakota, for a period of thirty days prior to said call for prepayment. All bonds issued under this act shall contain a provision that interest thereon shall cease at maturity, or upon a proper call for prepayment of the same as herein provided.

SECTION 16.) The bonds issued as provided by this act shall be payable to the purchaser or bearer as the industrial commission may determine, and shall be in such denominations as the industrial commission shall determine, and payable in series over a period of not to exceed twenty years as the industrial commission may determine. They shall bear interest at the rate of not to exceed three (3%) per cent, payable semi-annually on the first day of January and the first day of July in each year; and coupons shall be attached to each bond evidencing the amount of interest payable on each first day of January and July until maturity.

SECTION 17.) In furtherance of the purpose declared by this act, it is hereby declared to be the duty of the governor and the state treasurer, after the issuance, execution and attestation of said bonds, to deliver them to the industrial commission in such denominations and amounts bearing interest at such rates and in such series as may be determined by the commission. The industrial commission is empowered, authorized and directed in connection with, and in addition to, its other powers and duties, to act as the agent of the state in the negotiation, sale and delivery of said bonds. It shall sell them for cash at not less than par value in such manner and at such times as in its sound discretion it shall deem to be most advantageous to the interests of the state. The commission is hereby authorized to receive all moneys paid by the purchaser of said bonds, upon the sale thereof, and upon the receipt of the purchase price to deliver to each purchaser the bonds by him purchased. Upon such delivery of bonds so purchased and paid for, the **faith and credit of the state of North Dakota** is hereby pledged, both as to principal and interest, to the lawful owner and holder thereof, upon presentation thereof

for payment according to this act. The money so derived and received from the sale of said bonds shall be placed by the industrial commission in the fund of the North Dakota state cement plant. Nothing in this act, however, shall be construed to prevent the purchase of said bonds with funds available for that purpose on deposit in the bank of North Dakota.

SECTION 18.) The state treasurer and his successors in office shall hold the hereinbefore provided for mortgages, first, for the security and payment of the bonds issued as provided in this act, and second, for the satisfaction and cancellation thereof and redelivery to the industrial commission, as and when such bonds have been fully paid.

SECTION 19.) From time to time the industrial commission shall, out of the earnings derived from the operation of the North Dakota state cement plant, pay to the treasurer such moneys as the commission shall deem available to devote to the purpose of paying said bonds and interest. In making said payment the commission shall file a statement with the state treasurer specifying the purpose of such payment. When moneys shall have been so paid to the state treasurer, he shall apply the same to the specified purpose as directed.

SECTION 20.) At the time of each annual meeting of the state board of equalization, after the sale of the bonds herein provided, the industrial commission shall deliver to said board an exact written statement of the bonds issued under the provisions of this act, outstanding and unpaid at that time, including therein the dates of maturity, rate of interest and all other information proper to enable the board intelligently to comply with the provisions of this act in regard to tax levies. On the basis of such information, the board of equalization shall annually levy a tax at the time other taxes are levied sufficient in amount to pay such interest on such bonds as will become due during the year beginning on the next ensuing January 1st, and said tax shall be collected in the same manner as other taxes are collected. In determining the amount of tax sufficient for such purpose, the board of equalization shall take into account whatever moneys, if any, shall have been paid to the state treasurer by the industrial commission, as provided in this act, for the specific purpose of paying such interest. The board of equalization shall apply to the state treasurer for information as to the amount of such moneys, and he shall forthwith supply the information requested. If the amount of such moneys shall equal or exceed the interest on said bonds payable during said year beginning on the next ensuing January 1st, then no tax shall be levied by the board of equalization for that purpose; however, if the amount of such money shall be less than the amount of interest on said bonds payable

during said year, then the board of equalization shall deduct the amount of the interest so payable, and shall levy the tax hereinbefore provided for at least the difference.

SECTION 21.) Whenever it shall appear to the board of equalization from information obtained in any statement delivered by the industrial commission at an annual meeting of said board, as provided in section 20 hereof, that there will mature within a period of five years from such annual meeting any of the bonds provided for in this act, the board shall thereupon, at such annual meeting, levy a tax in an amount equal to one-fifth of the amount of the principal of such bonds; provided, however, that in determining the amount of such tax the board of equalization shall take into account whatever moneys, if any, shall have been paid to the state treasurer by the industrial commission for the specific purpose of paying the principal of said bonds when due as provided in section 19 of this act. The board of equalization shall apply to the state treasurer for information as to the amount of such moneys and as to the time when paid to him. If the amount of the money paid to the treasurer since the date of the last preceding tax levy made by the board of equalization, shall equal or exceed one-fifth of the amount of bonds so to mature, then such tax shall not be levied; but if the amount of such moneys paid to the state treasurer since the date of the last preceding tax levy, shall be in a sum less than one-fifth of the amount of said bonds so to mature, then the board of equalization shall deduct the amount of such moneys so paid from such one-fifth of said bonds, and shall levy a tax hereinbefore in this section provided for the difference. It is the intention of this section to provide that in each of the last five years before the maturity of any bonds, or series thereof, a state tax shall be levied, which, together with such moneys as shall during the next preceding year have been paid to the state treasurer by the industrial commission for that purpose, shall be at least sufficient to pay one-fifth of the principal of said bonds.

SECTION 22.) To identify and distinguish the funds provided and available for payment of the bonds issued pursuant to this act, there is hereby created and established, as a part of the moneys of the state received and kept by the state treasurer, a fund to be designated as the "North Dakota State Cement Plant Bond Payment Fund." All moneys received by the state treasurer, whether from the proceeds of taxes or from payments made by the industrial commission or from legislative appropriation, if any, or otherwise, which shall by law or other designation be made applicable to the payment of said bonds, or interest thereof, shall be kept by him in said fund, separate and distinct and apart from other moneys, and shall be disbursed by him only for the particular purpose or purposes for which such money was delivered to him,

and no other appropriation shall ever be made of the moneys in said fund until all of the bonds issued pursuant to this act shall have been fully paid. Said fund may be deposited by the state treasurer in the Bank of North Dakota as provided by law with respect to other public funds.

SECTION 23.) There is hereby appropriated all of the moneys obtained as proceeds from taxes provided for in the preceding two sections (sections 20 and 21) and all moneys paid to the state treasurer by the industrial commission as specified in section 19 of this act, and all moneys constituting the North Dakota state cement plant bond payment fund, or so much thereof as may be from time to time necessary, to pay the interest and principal upon said bonds as payments thereon shall become due from time to time; and whenever any of said bonds, or any interest coupon or coupons thereon, become due, and shall be presented for payment, the state treasurer shall pay the same out of the fund hereinbefore mentioned. If for any reason, the said fund shall for the time being be insufficient to pay the same, the treasurer shall, and he is hereby authorized to, pay the same out of other moneys available to the state and not otherwise appropriated; but in that case, he shall, as soon as possible, out of the North Dakota state cement plant bond payment fund, return the amount of such deficiency to the source from which the same was taken.

SECTION 24.) The state treasurer shall pay the interest and principal of said bonds upon presentation of any bond or bonds and of the interest coupons, upon maturity, or if the same are called as hereinbefore provided, all of such payments to be made from the North Dakota state cement plant bond payment fund, and without auditor's warrant. Each payment so made in addition to other accounting as provided by law, shall be reported to the North Dakota state cement plant, its manager and officers, and to the industrial commission. All moneys in said fund, or so much thereof as may be necessary, are hereby appropriated for the payment of the interest and principal of said bonds, and this appropriation shall not be repealed and no provision made in this act for payment of the principal of said bonds and interest thereon shall be discontinued until the debt evidenced by said bonds, both as to principal and interest, shall have been fully paid.

SECTION 25.) Moneys in the sinking fund for the bonds issued pursuant to this act and designated in the state treasurer's office as the "North Dakota State Cement Plant Bond Payment Fund" may be invested from time to time by the industrial commission in such securities and on such terms as the industrial and in the prudent management of such fund, provided that moneys in such fund shall be invested only in obligations of the United States government, general obligations of any state which commission shall determine to be for the best interests of the state

has never defaulted in payment of either interest or principal on any of its bonded debt, or other indebtedness, or general obligations of any municipality of the state of North Dakota which has never defaulted in payment of either interest or principal, all of which shall mature or be redeemable at the option of the industrial commission as funds may be needed to pay either interest or principal of the bonds herein provided.

SECTION 26.) All bonds issued pursuant to the provisions of this act and interest thereon shall be exempt from all state, county and municipal taxes.

SECTION 27.) There is hereby appropriated out of the general funds of the state, not otherwise appropriated, the sum of Fifteen Thousand (\$15,000.00) Dollars, or as much thereof as may be necessary, to carry out the provisions of this act when and if the industrial commission determines to carry the same into effect.

SECTION 28.) In the event the industrial commission shall determine to submit to the electors of the state the question of issuing bonds as herein authorized, such commission shall certify such question to the secretary of state and he shall cause such question to be submitted to the electors at the next state wide election in substantially the following form: "Shall the State of North Dakota issue its bonds in the aggregate amount of not to exceed five million dollars for the purpose of establishing and maintaining a state owned cement plant." The secretary of state shall certify such question to the several county auditors and the election thereon shall be conducted and notice thereof shall be given in substantially the same manner as initiated measures are submitted to the electors of the state.

Filed March 17, 1949.

House Bill No. 226
(Freadhoff, Heland, Fugelstad, Heimes, Sticka, Wollitz, Braun)

AN ACT

To amend and reenact Section 40-5107 of the 1947 Supplement to the North Dakota Revised Code of 1943 and Section 40-5108 of the North Dakota Revised Code of 1943, relating to inclusion of territory within city limits by resolution initiated by governing body of city, providing for a computation of property owners, providing that territory within another municipality shall not be annexed; providing for publication of resolution; providing for protest; providing under what circumstances property shall not be annexed; providing for a hearing thereof and for personal inspection of the territory proposed to be annexed; and providing that lands used exclusively for farming or pasturage purposes shall not be annexed, and declaring an emergency.

VETO

March 19, 1949

The Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota

Dear Mr. Hall:

Transmitted herewith without my approval is House Bill No. 226, a bill amending the city annexation law.

Under our present law when a city expands beyond its current boundaries the governing board thereof may by resolution and publication annex such additional area subject only to the limitation of a public hearing and or a review by an appeal commission, made up of three county wide officials. From the standpoint of law enforcement, fire protection, health and sanitation and many other municipal objectives it is advisable and necessary that adjacent industrial and residential areas be included within the corporate limits of the city. To protect itself the city must either have a positive annexation law or much in advance acquire all adjacent undeveloped areas. It is much better to annex as the development proceeds.

When a group of people start an industrial or residential area under the wing of a city and immediately adjacent to its boundaries they have taken the first step in becoming a part of that city.

If they are not trying to get the reflected benefits of the city their development could be started several miles away. If the city does not have the positive annexation power the newly developed area will continue to enjoy the reflected benefits, but will not voluntarily agree to become a part of the city tax base. It would

certainly be contrary to the best interests of all to have a hodge-podge of unorganized city development around the outside of a city.

Perhaps we should specify in detail in our statute some conditions of annexation such as the area carrying with it its proportionate share of township indebtedness but the positive power of the city to annex new development that is rightly a part of it should be preserved.

I therefore veto this bill.

Respectfully submitted,
FRED G. AANDAHL
Governor

FGA:ah

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

SECTION 1. AMENDMENT.) Section 40-5107 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5107. INCLUSION OF TERRITORY WITHIN CITY LIMITS BY RESOLUTION INITIATED BY GOVERNING BODY; COMPUTATION OF PROPERTY OWNERS REQUIRED.) The governing body of a city, by a resolution passed by a two-thirds vote of its members, may extend the boundaries of the city to increase the territory within the corporate limits by not more than one-fourth of its area. Before said resolution is passed the governing body shall compute the number of property owners in the territory proposed to be annexed. The resolution shall describe particularly the land proposed to be incorporated within the city limits, setting forth the boundaries thereof and describing the land platted by blocks and lots, and shall state the number of property owners therein. This section shall not authorize a city so to extend its boundaries as to include territory within another incorporated municipality.

SECTION 2. AMENDMENT.) Section 40-5108 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-5108. PUBLICATION OF RESOLUTION INCLUDING TERRITORY WITHIN CITY LIMITS; PROTEST; WHEN ANNEXATION SHALL NOT BE MADE; WHEN HEARING REQUIRED; PASSAGE OF RESOLUTION; FARMING, PASTURING LANDS NOT ANNEXED.) The resolution of the governing body of a city adopted pursuant to Section 40-5107 shall be published in the official newspaper of the city once each week

for four successive weeks, and the territory described in the resolution shall be included within and shall become a part of the city unless a written protest of the proposed extension signed by more than one-fourth of the property owners within the territory described in the resolution is filed with the city auditor within ten days after the last publication of the resolution. If such protest is filed within the time stated, signed by owners of more than three-fourths of the property owners by number within the territory proposed to be annexed, no annexation shall be made. If such protest is filed within the time stated signed by owners of more than one-fourth but not more than one-half of the property owners within the territory proposed to be annexed, the governing body shall hear the testimony offered for or against such annexation. If the governing body, after hearing the testimony and making a personal inspection of the territory to be annexed, is of the opinion that such territory ought to be annexed, it may order the territory included within the corporate limits by a resolution passed by a two-thirds vote of members of the governing body. If the greater portion of the territory proposed to be annexed consists of lands used exclusively for farming or pasturage purposes, it shall not be annexed.

SECTION 3. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Filed March 19, 1949.

House Bill No. 227

(Freadhoff, Holand, Fugelstad, Heimes, Sticka, Wollitz and Braun)

AN ACT

Providing for appeal to the district court from decision of annexation review commission relating to the annexation of territory by city; providing for the filing and service of notice of appeal and undertaking for appeal and providing for determination by the district court.

VETO

March 19, 1949

The Honorable Thomas Hall
Secretary of State
Bismarck, North Dakota
Dear Mr. Hall:

Transmitted herewith without my approval is House Bill 227, a bill providing for appeal to the district court from a decision of annexation.

This bill is an attempt to give the courts authority to decide the merits of the policy or question of annexation. That is a legislative responsibility and not a judicial responsibility. The courts have the authority to decide the question of compliance with the law. If there is such a question in an annexation procedure it can be taken to court without the approval of this bill.

I therefore veto this bill.

Respectfully submitted,
FRED G. AANDAHL
Governor

FGA :ah

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

SECTION 1. APPEAL; MANNER AND TIME OF APPEAL; FILING AND SERVICE OF NOTICE OF APPEAL AND UNDERTAKING FOR APPEAL; DETERMINATION BY DISTRICT COURT.) An appeal may be taken to the district court from any decision of the annexation review commission, provided for in section 40-5111 of the North Dakota Revised Code of 1943 by any person, corporation or city aggrieved thereby. Such appeal shall be taken by filing a notice of appeal and undertaking for appeal with the clerk of the district court

and by service of a copy of such notice of appeal and undertaking for appeal upon the adverse party or parties. Such filing and service must be made within thirty days after the decision of the annexation review commission. The undertaking for appeal must be with sufficient surety to be approved by the clerk of the district court, and must be to the effect that the appellant on the appeal will pay all costs which may be awarded on the appeal not exceeding two hundred fifty dollars. The district court shall hear the evidence for and against such annexation and render its decision accordingly.

Filed March 19, 1949.

RESOLUTIONS

House Resolution No. G
(Dalzell and Seibel)

APPRECIATION TO U. S. ARMY ENGINEERS AND FEDERAL WORKS AGENCY FOR EMERGENCY AID

A resolution of appreciation for the efforts of the Corps of Army Engineers and the Federal Works Agency during present emergency conditions in North Dakota and urging the continuation of emergency aid until assurance of the termination of emergency conditions in the more remote localities is received.

WHEREAS, emergency storm conditions in North Dakota have endangered life and property and caused widespread suffering, and

WHEREAS, the extent of the emergency has exceeded the scope and resources of local agencies, and

WHEREAS, the efforts and assistance of the Corps of Army Engineers and the Federal Works Agency have been of immense service in alleviating suffering and are vitally necessary, and

WHEREAS, the greatest need exists in the more remote sections where outside contact even by radio may have terminated,

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the state of North Dakota that we hereby commend and express our appreciation of the valuable services rendered by the Corps of Army Engineers and the Federal Works Agency and urge that aid be continued in each county as may be necessary, that aid be not discontinued in any county until certain assurance has been received that emergency conditions no longer exist in any part of such county, and that other counties not presently recognized as in the emergency zone be added if found necessary,

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted by the Clerk of the House of Representatives to General Pick, Army Engineers, Omaha, Nebraska; Colonel Seybold, Army Engineers, Fort Lincoln, North Dakota; Major General Fleming, Federal Works Administration, Washington 25, D. C.; and to Honorable Fred G. Aandahl, Governor of North Dakota.

Filed February 25, 1949.

Senate Resolution 3
(Olson of Mountrail and Bilden)

CORPS OF ARMY ENGINEERS AND FEDERAL WORKS AGENCY
AID DURING PRESENT EMERGENCY

A resolution of appreciation for the efforts of the Corps of Army Engineers and the Federal Works Agency during present emergency conditions in North Dakota and urging the continuation of emergency aid until assurance of the termination of emergency conditions in the more remote localities is received.

WHEREAS, emergency storm conditions in North Dakota have endangered life and property and caused widespread suffering, and

WHEREAS, the extent of the emergency has exceeded the scope and resources of local agencies, and

WHEREAS, the efforts and assistance of the Corps of Army Engineers and the Federal Works Agency have been of immense service in alleviating suffering and are vitally necessary, and

WHEREAS, the greatest need exists in the more remote sections where outside contact even by radio may have terminated,

Now, Therefore, Be It Resolved, by the Senate of the State of North Dakota:

That we hereby commend and express our appreciation of the valuable services rendered by the Corps of Army Engineers and the Federal Works Agency and urge that aid be continued in each county as may be necessary, that aid be not discontinued in any county until certain assurance has been received that emergency conditions no longer exist in any part of such county, and that other counties not presently recognized as in the emergency zone be added, if found necessary.

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted by the Secretary of the Senate to General Pick, Army Engineers, Omaha, Nebraska, Colonel Seybold, Army Engineers, Fort Lincoln, North Dakota, Major General Fleming, Federal Works Administration, Washington 25, D. C., and to Honorable Fred G. Aandahl, Governor of North Dakota.

Filed March 1, 1949.

Senate Concurrent Resolution No. O
(Shure, Spiekermeier, Nordhaugen, Pyle, Flatt, and Bjorie)

THIRTY-FIFTH ANNIVERSARY OF THE LITTLE COUNTRY
THEATER

A concurrent resolution relating to the Little Country Theater and congratulating Alfred G. Arvold, the founder, on the forthcoming thirty-fifth anniversary of the founding of the Little Country Theater.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring therein:

Some 42 years ago Alfred G. Arvold became a member of the faculty of the North Dakota Agricultural College and he has continued to serve in that capacity ever since. He has always been interested in the drama and as a student in the University of Wisconsin he took active part in dramatic societies and participated actively in a number of the productions that had been staged by them. While he was engaged in these activities he became impressed with the desirability of such activities not only as a part of a course of study, but as a course in human relations and in citizenship. He then conceived the idea that there ought to be established in the state an organization or institution which, although centered in and affiliated with, or part of, an educational institution would serve every community and neighborhood in the state that might be interested in staging home talent plays and pageants or ceremonies commemorating historic events whether of a national, state, or local character. As he worked with the young men and women with whom he came in contact as a teacher in the North Dakota Agricultural College and came to know the state and the people in the various communities he felt that his idea might and ought to be put into practical operation. So, on February 10, 1914, The Little Country Theater was established. It has been said that every great institution is the lengthening shadow of some individual who dreamed a dream and had the capacity and courage to make the dream come true. That is true of The Little Country Theater. The Little Country Theater has continued to grow in service and influence. It has brought pleasure and happiness to hundreds of thousands who have been touched by its invisible hands. It has been a constant demonstration of democracy in action. In The Little Country Theater tolerance is not a mere catch word, it is a reality. Young men and women of every race and creed from every walk of life, not only from different communities in this state but from distant states and foreign countries have worked and played together, and shared in the joy and satisfaction that comes from the performance of creative work. The Little Country Theater has become known

not only throughout this land, it has attracted the attention of persons throughout the world who are interested in and concerned with the building of community life.

The establishment of The Little Country Theater did not involve an appropriation for the construction of a building. Rooms then in existence, some in disuse, were utilized. Thus, an unused attic was put to use first as a workshop and later, also, as a museum of the Theater. This is called the Lincoln Cabin. On its walls are over a hundred pictures depicting scenes in the life of Lincoln. Over the fireplace is inscribed the motto, "Let us have faith that right makes might." Many of the permanent improvements in the structure of The Little Country Theater and the Lincoln Cabin were made by the willing hands of those who participated in plays in the Theater. On the north wall of the auditorium are three beautiful stained glass windows, one of these was given to the Theater by five thousand 4-II boys and girls, another of the windows was a gift of the alumni who had participated in plays in the Theater. Most of the properties were paid for by contributions from student groups or with monies received for admissions to plays. A large library has been built up containing not only a large number of books but original manuscripts of plays and pageants, many of them written by North Dakotans. There are on file some 50,000 letters. Many of these relate to happenings and historical events in the different communities of the State.

Mystic chords of memory stretch from The Little Country Theater to the hearts of tens of thousands of the sons and daughters of this state, especially those who as students had a part in the building of the institution.

NOW, THEREFORE, BE IT RESOLVED, that we the members of the Thirty-First Legislative Assembly of the State of North Dakota do hereby extend to Alfred G. Arvold our sincere and heartfelt congratulations on the forthcoming Thirty-Fifth Anniversary of The Little Country Theater; and that we express to him our appreciation and gratitude for the great service he has rendered above and beyond the call of duty.

BE IT FURTHER RESOLVED, that we the members of the Thirty-First Legislative Assembly of the State of North Dakota believe The Little Country Theater should be maintained throughout the years to come as an indispensable part of the North Dakota Agricultural College; and that the quarters in which the activities of the Little Country Theater have been carried on, and the properties that have been acquired for the carrying on of such activities should be considered as reserved for and dedicated to the use of The Little Country Theater; and that we recommend that the Board of Higher Education take such steps as may be necessary to safeguard the priceless material that has been

gathered by Alfred G. Arvold, to the end that the same may be available throughout the years to come as working tools of The Little Country Theater.

Filed February 5, 1949.

House Concurrent Resolution Q
(Maher, Moerke, Zurcher, Schwartz, Mollet)

LOANS FROM BANK OF NORTH DAKOTA TO SOIL
CONSERVATION DISTRICTS

A concurrent resolution recommending that the industrial commission adopt rules and regulations for the loaning of money by the Bank of North Dakota to soil conservation districts.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, soil conservation districts organized under the laws of the state of North Dakota are governmental subdivisions of the state under and by virtue of section 4-2113 of the North Dakota Revised Code of 1943, and

WHEREAS, the Bank of North Dakota is among other things authorized to make loans to political subdivisions of the state but has not in the past made loans to soil conservation districts, and

WHEREAS, it is necessary that soil conservation districts have a source of credit for the purpose of purchasing heavy equipment and machinery to be used in installing soil conservation practices and enable the soil conservation districts of the state of North Dakota to take advantage of the federal legislation concerning soil building practices and appropriations in connection therewith,

THEREFORE, BE IT RESOLVED, by the House of Representatives of the state of North Dakota, the Senate concurring therein that the industrial commission of the state of North Dakota make such necessary rules and regulations as they deem desirable so that credit may be obtained by the soil conservation districts and so that loans may be secured through the bank of North Dakota for the purpose of purchasing heavy equipment and machinery to be used in installing soil conservation practices.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the members of the North Dakota industrial commission and the manager of the bank of North Dakota by the secretary of state.

Filed March 5, 1949.

Senate Concurrent Resolution No. D
(Rue, Bridston, Braun and Shure)

EXPANSION VETERANS' LOAN PROGRAM

A Concurrent Resolution directing the industrial commission and the bank of North Dakota to expand the veterans' loan program.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, the thirtieth legislative assembly of the state of North Dakota, 1947, enacted chapter 113 of the 1947 Supplement to the North Dakota Revised Code of 1943, and

WHEREAS, there are many communities and localities in the state of North Dakota that do not have banks, trust companies, savings and loan associations or other institutions from which veterans may procure loans and advances of credit, insured or guaranteed in part or in full by the United States or any instrumentality thereof, and

WHEREAS, there are veterans in these communities and localities who are desirous of procuring loans and advances of credit, insured or guaranteed in part or in full by the United States or any instrumentality thereof;

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the thirty-first legislative assembly of the state of North Dakota, do hereby direct the industrial commission and the officers of the bank of North Dakota to expand the operations of the bank in the making of loans and advances of credit, insured or guaranteed in part or in full by the United States or any instrumentality thereof, within recognized credit practices and standard loan procedures to veterans desiring the same, it being the intent, sense and thought of this resolution to procure through the industrial commission and the bank of North Dakota further service thereof to veterans through the making of loans insured by or guaranteed in part or in full by the United States or any instrumentality thereof. It is further the thought of the members of the thirty-first legislative assembly of the state of North Dakota that it would be beneficial to all veterans of the state of North Dakota, if the bank of North Dakota could render further service contemplated by the law hereinbefore mentioned where such loans are not locally available.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the governor, the industrial commission, and the manager of the bank of North Dakota by the secretary of the Senate.

Filed February 7, 1949.

House Concurrent Resolution No. A
(Haugland, Lillehaugen, Hofstrand, Gumeringer, Siverson, Allen,
Bubel, Bymers, Rudolf, Culver, Stormon of Ramsey and Brickner)

MAINTENANCE OF ONE HUNDRED PERCENT PARITY
ON BASIC FARM CROPS

A concurrent resolution petitioning congress to enact permanent legislation to maintain a floor of not less than one hundred percent of parity on all basic farm crops.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, it must be self-evident that if we are to avoid lower living standards and if this national debt is to serviced and paid, it must be through the production of new wealth from the natural resources of the United States, and

WE THEREFORE RECOMMEND, that the eighty-first congress enact legislation in 1949 which will first provide a new parity formula which is fair to farmers and to the consumers of the nation. We recommend that support prices be established pursuant to this fair parity formula under which farmers shall be assured not of fractional parity but of one hundred percent of the parity prices. These prices should be consistent with the objective of abundant production. We believe that in the new legislation, account should be taken where they have an opportunity for decent living standards, including adequate health protection, good housing and better educational opportunities for farm children,

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the state of North Dakota, the senate concurring therein, that we hereby petition congress to pass permanent legislation to maintain a floor of not less than one hundred percent of parity on all basic farm crops, to protect such floor prices with commodity loans of like amount and to prescribe such import duties, excise taxes, or quotas on competitive imports as may be needed to maintain these price levels and our national income and to equalize the differential between the dollar value of our production and that of foreign countries,

BE IT FURTHER RESOLVED, that copies of this resolution properly authenticated be forwarded by the secretary of state to the presiding officer of each house of the national congress and to each of the United States senators and representatives from North Dakota, and the department of agriculture and labor at Washington, D. C.

Filed February 3, 1949.

House Concurrent Resolution Z
(Bentz, Fristad, Haugen of McLean, Skaar, Link, Hofstrand, Hafner)

SHARING OF BONDED INDEBTEDNESS BY FEDERAL GOVERNMENT WHEN ASSESSED VALUATION REDUCED BY U. S. LAND ACQUISITION

A concurrent resolution memorializing and petitioning the Congress of the United States to enact legislation providing for the assumption of a proportionate share of the bonded indebtedness of local units of government when the assessed taxable valuation in such units of government is reduced through acquisition of land by the United States.

WHEREAS, the removal of land from the tax rolls through acquisition by the United States of America dislocates the economy of local governmental units and imposes an increased burden on the remaining property, and

WHEREAS, the bonded indebtedness of local governmental units where land is so acquired in substantial quantities and removal from local tax rolls, frequently is excessive for the remaining taxable property to bear, and

WHEREAS, the existence of local units of government is jeopardized by the imposition of such excessive burdens of taxation and indebtedness,

Now, Therefore, Be It Resolved, by the House of Representatives of the States of North Dakota, the Senate concurring therein:

That we do hereby memorialize and petition the congress of the United States to enact legislation providing and requiring that when ten percent or more of the taxable property in any local taxing unit is removed from the tax rolls by acquisition by the United States of America or any agency thereof, a percentage of the bonded indebtedness of such taxing unit, equal to the percentage of the taxable valuation removed by such acquisition, will be assumed by the United States of America or the acquiring agency.

BE IT FURTHER RESOLVED, that copies of this resolution, properly authenticated, be transmitted by the secretary of state to the presiding officers of each house of the congress of the United States and to the members of the North Dakota delegation in congress.

Filed March 5, 1949.

House Concurrent Resolution M
(Langseth)

OPPOSITION TO CERTAIN COMIC BOOKS

A concurrent resolution in regard to the sale of certain comic books.

WHEREAS, it has come to our attention that certain comic books containing stories of bloodshed, lust, and crime and having pictures and illustrations therein of an obscene, salacious, and lustful character are being sold to children within the state of North Dakota, and

WHEREAS, such sales and displays for sale is detrimental to the morals of young people and may contribute to the delinquency of minors,

Now, Therefore, Be It Resolved, by the House of Representatives of the State of North Dakota, the Senate concurring therein:

That the thirty-first legislative assembly go on record as opposed to such sale and display of obscene comic books and that section 12-2107 of the North Dakota Revised Code of 1943 be enforced by the states attorneys, sheriffs, and peace officers of this state, and the attorney general of the state is hereby directed to lead a concerted drive for the enforcement of this law for the sake of our citizens of tomorrow.

Filed March 5, 1949.

House Concurrent Resolution No. K
(Esterby, Leier, Rolfsrud, Moerke, Seibel, Monson, Schwartz)

ADEQUATE APPROPRIATIONS FOR FARMERS HOME
ADMINISTRATION

A concurrent resolution petitioning congress to continue adequate appropriations to the Farmers Home Administration.

Be It Resolved by the House of Representatives of the State of North Dakota The Senate Concurring Therein:

WHEREAS, the members of the thirty-first legislative assembly of the state of North Dakota, mindful of the service performed by the Farmers Home Administration, in the rehabilitation of farmers upon the soil, and being cognizant that only through this agency has credit been available to many of the farmers of the state, and recognizing that the continuation of this agency is in the interests of all of the people,

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the state of North Dakota, the Senate concurring therein, that we memorialize, petition and urge congress to continue the Farmers Home Administration, and to make adequate appropriations therefor,

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the Secretary of Agriculture and Labor, Farmers Home Administration, President of the Senate and Speaker of the House of Representatives and to North Dakota's delegation in Congress.

Filed February 25, 1949.

House Concurrent Resolution S

(Halcrow, Dalzell, Anderson of Cass, Brickner, Luick, McInnes, Saumur, Callahan, Einarson, Collette and Allen)

FEDERAL GRANTS IN AID TO N. D. COUNTIES IN RED RIVER VALLEY FOR FLOOD CONTROL PROJECTS

A concurrent resolution memorializing and requesting Congress to appropriate, and to make available, funds in the form of grants in aid to the counties of the state of North Dakota situated in the Red River Valley for constructing works for the prevention of floods and for drains adequate for the drainage of farm lands periodically flooded by waters of melting snows in the spring, and by heavy rains in the summer, of each year.

WHEREAS, extensive areas of fertile farm lands in the counties of North Dakota located in the Red River Valley are flooded by the waters of melting snows in the spring and by heavy rains in the summer of each year, delaying, and often making impossible, the planting or harvesting of crops on these lands, and

WHEREAS, these flooded lands are very productive and produce a great amount of food when crops can be planted and harvested thereon, and

WHEREAS, the losses sustained are a serious depletion of the national economy, amounting in the aggregate to millions of dollars, and

WHEREAS, the cost of construction of works for the prevention of such floods and the construction of drains sufficient for the drainage of those lands is far beyond the financial ability of land owners to pay, and

WHEREAS, the counties affected, and the state of North Dakota, are unable to furnish the financial assistance required,

Now, Therefore, Be It Resolved, by the House of Representatives of the thirty-first legislative assembly of the state of North Dakota, the Senate concurring therein:

That the congress of the United States be and is hereby urgently requested to appropriate not less than two million dollars to provide grants in aid to the counties of North Dakota, situated in the Red River Valley to enable said counties to construct works for the prevention of floods and facilities for the adequate drainage of farm lands.

BE IT FURTHER RESOLVED, that a copy of this resolution be mailed by the secretary of state to the president of the United States, to the vice president, as the presiding officer of the United States senate, to the speaker of the house of representatives, and to each of our senators and representatives in congress.

Filed March 5, 1949.

Senate Concurrent Resolution R
(Mehlhoff, by unanimous consent of Senate)

N. D. MATERIAL FOR GARRISON DAM AND OTHER PROJECTS

A concurrent resolution urging the use of North Dakota material in the construction of the Garrison Dam and other projects.

WHEREAS, the construction of the Garrison Dam and other projects in North Dakota by the Bureau of Reclamation and the Corps of Engineers of the United States Army, will involve the use of large quantities of gravel, sand and other materials available in North Dakota, and

WHEREAS, by tests performed in Logan County in July, 1948, it was found that the gravel and sand of this region are satisfactory for such use, and

WHEREAS, large quantities of such gravel, sand and other materials exist in this state, and the use of such local material will result in a monetary saving in the construction of the Garrison Dam and other projects,

Now, Therefore, Be It Resolved, by the Senate of the State of North Dakota, the House of Representatives concurring therein:

That the use of such native North Dakota material is urged and recommended,

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Chief of Army Engineers, Washington, D. C.; Division Office, Corps of Army Engineers, Omaha,

Nebraska; The District Engineer, Corps of Army Engineers, Fort Lincoln, North Dakota; the Commissioner of Reclamation, Department of the Interior, Washington, D. C.; Regional Director of the Bureau of Reclamation, Billings, Montana; District Manager, Bureau of Reclamation, Bismarck, North Dakota; and to the North Dakota delegation in the Congress of the United States.

Filed March 4, 1949.

House Concurrent Resolution L

(Hafner, Bentz, Mollet, Thompson (McLean), Moerke, Haugen (McLean), Rolfsrud, Esterby, Link, Sailer)

INVESTIGATION OF U. S. ARMY ENGINEERS POLICY, PROCEDURE, ETC., IN ACQUISITION AND LEASING OF LANDS FOR GARRISON DAM RESERVOIR

A concurrent resolution memorializing the Congress of the United States to investigate the procedure, amount of compensation paid, and policies of the U. S. Army Engineers in acquiring and leasing lands for the Garrison Dam Reservoir.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, numerous and continued complaints have been made by land owners and organizations of land owners affected by the taking and renting of lands for the Garrison Dam Reservoir of certain procedures and policies of the United States Army Corps of Engineers in connection therewith, and particularly to the following:

1. That representatives of the government have persuaded some farmers to sell their land at less than fair and reasonable prices, when they were not fully aware of their rights, and in some cases where they thought it would be useless to resist the government, not knowing or realizing that land of equal or less value would be purchased for higher prices where the owner was better able to represent his own interests..
2. That the result of litigation has now proved that some land was purchased too cheaply, with the result that those who sold voluntarily and without causing the government any expense have been discriminated against.
3. That the government did not sufficiently take into account the hardship visited upon families required to relocate, where they had struggled for two or more generations to build a home which could not in any case be duplicated,

and which consisted in many cases of buildings and improvements invaluable to the owner but of no value to the government.

4. That the difficulty and expense of relocation was not in all cases given fair consideration.
5. That persons were forced to sell their property and in many cases thus exposed to income tax liability which they should not under the circumstances be required to suffer.
6. That an unreasonable policy with respect to renting land to former owners during a delayed period before the land is flooded has worked an unnecessary hardship.

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 urged to investigate the procedure and policies of the United States Army Engineers by means of a suitable committee or otherwise, as it may deem best, to determine whether such criticisms are just, and if so, to take the necessary steps to compensate persons equitably entitled even though there may no longer be legal liability so to do; to pay additional sums to those who voluntarily accepted less than fair prices; to reconsider the equities of those injured through force of circumstances in the difficulties of relocation; and to establish fair and equitable rules for dealing with tenants.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the president of the senate and the speaker of the house of representatives of the congress of the United States, and to each of the United States senators and representatives in congress of the state of North Dakota.

Filed March 5, 1949.

Senate Concurrent Resolution No. I
(Stucke and Albers)

MAINTENANCE OF GOVERNMENT BY U. S. IN GARRISON
DAM AREA

A concurrent resolution memorializing Congress to enact legislation providing for the maintenance of the government of the Garrison Dam area.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, by reason of the Missouri River improvement program now being carried on in North Dakota, unusual situations

have developed in counties where a large influx of itinerant people are gathered during the construction period; and

WHEREAS, the United States has acquired title to lands to be used in this development and approximately 100,000 acres of land are being taken off the tax lists and are now being rented back to individuals for agricultural purposes, thus maintaining social and governmental responsibilities, such situation creates an unusual hardship on local government;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that the Congress of the United States be asked to direct by proper legislation the United States officers in charge that, wherever they operate for profit lands taken off the tax lists, they assume full responsibility for maintaining government in such area.

BE IT FURTHER RESOLVED, that the Secretary of State of North Dakota send copies of this resolution to the President of the Senate and the Speaker of the House of Representatives in Congress for incorporation in the Congressional Record and to the Senators and Representatives of this state.

Filed March 3, 1949.

Senate Concurrent Resolution No. P
(Albers, Bjorlie)

GUADALCANAL DAY

A concurrent resolution declaring October 13th Guadalcanal Day in recognition of the 164th Infantry, North Dakota National Guard Unit.

WHEREAS, the battle for the island of Guadalcanal in World War II marked the turning point of the land war in the Pacific area, and

WHEREAS, the 164th Infantry, North Dakota national guard unit, landed on such island on October 13, 1942 and played a major role in the battle for the island, and

WHEREAS, many of the finest young men from North Dakota were lost in the battle for that island,

NOW, THEREFORE, BE IT RESOLVED, by the senate of the state of North Dakota, the house of representatives concurring therein that in recognition of the heroic efforts made by the living and the sacrifices made by the dead, the anniversary of the 164th infantry's landing on that island, October 13th, be declared "Guadalcanal Day" and that the governor proclaim the same each year, for such fitting observance as the people of each community shall deem appropriate.

Filed February 7, 1949.

House Concurrent Resolution No. C

(Haugland, Link, Rolfsrud, Moerke, Graham, Bentz, Snow, Weldon
Haugen, McInnes, Langley, Klefstad, Holand, Bymers, Homelvig,
Schade, R. Thompson, Lillehaugen, Hofstrand and Fuglestad)

INCREASE IN FEDERAL PARTICIPATION IN HOSPITAL
CONSTRUCTION

A concurrent resolution memorializing the congress of the United States to increase the share of federal participation and increase the annual appropriation under Public Law 725.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, hospital construction costs have continued to rise to a point where it has become increasingly difficult for communities in North Dakota to finance hospital construction, and

WHEREAS, many of the communities in the areas of greatest need for hospital facilities find it impossible to meet the financial burden even with the present thirty-three and one-third percent of federal participation for approved projects under Public Law 725, and

WHEREAS, this condition tends to defeat one of the primary purposes of Public Law 725, which is to give special consideration to hospitals serving rural communities and areas with relatively small financial resources, and

WHEREAS, the federal government in several grant-in-aid programs pays fifty percent and in some cases one hundred percent of the cost, and

WHEREAS, the increased share of federal participation is necessary if hospital construction is to go forward in the areas of greatest relative need in North Dakota,

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 hereby is memorialized and petitioned to amend Public Law 725 by increasing the federal share of participation in the construction of approved hospital projects from thirty-three and one-third percent to fifty percent and to increase the annual appropriation under said law to meet the added cost of the revised share of federal participation, and that the provisions be made retroactive so that hospital projects approved on the federal construction schedules prior to the enactments of these amendments may benefit from the increased share of federal participation, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the president of the senate and to the speaker of the house of representatives of the congress of the United States, to the federal security administrator, to the surgeon general of the

United States public health service, and to North Dakota's delegation in congress.

Filed February 7, 1949.

House Concurrent Resolution No. N
(Graham, Bymers, Williams, and Esterby)

TIME EXTENSION FOR FILING FEDERAL INCOME TAX
OF FARMERS

A concurrent resolution requesting the commissioner of internal revenue to extend time of filing tax returns by farmers.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, under the federal income tax laws a farmer who makes a declaration of his estimated tax for the taxable year must file such estimate on or before January fifteenth of the succeeding taxable year, and

WHEREAS, under the federal income tax laws a farmer who does not file an estimate of his tax must file his income tax return for the preceding year on or before January fifteenth, and

WHEREAS, due to weather conditions in the north central states it is frequently impossible for a farmer to procure adequate records at such season of the year and to file his estimate and return, and

WHEREAS, the commissioner of internal revenue has the power and authority to extend the time for filing such returns.

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the state of North Dakota, the Senate concurring therein, that the commissioner of internal revenue is petitioned and urged to extend the time for filing such returns by a farmer in the north central states up and until February 15, and

BE IT FURTHER RESOLVED, that the Secretary of State is hereby directed to send copies of this resolution to the North Dakota delegation in Congress and to the commissioner of internal revenue.

Filed February 25, 1949.

Senate Concurrent Resolution No. Q
(Duffy, Nordhaugen and Streibel)

INVESTIGATION INDIAN BUREAU

A concurrent resolution memorializing the congress to investigate the Indian Bureau.

WHEREAS, for many years there has existed on many of the Indian reservations in the United States a deplorable condition under which the red man is a stranger in his own motherland, a condition which has resulted not from the choice of the Indian, not through lack of substance on the part of this nation nor through a parsimonious attitude upon the part of its citizens generally, but a condition which has resulted from the greed of a few white men and the inept and irresponsible attitude of the representatives of the Indian bureau either in the several states or in Washington, D. C., or in both places; and

WHEREAS, there has been a total lack of any consistent policy upon the part of the federal government in dealing with the Indians of the country but rather a vacillating policy which on the one hand makes them citizens with the rights and duties of free men and on the other hand makes them wards of the government who have been herded upon reservations which are over crowded and wholly unsuitable for self maintenance, a policy which has made the Indian dependent without any effective action toward his rehabilitation; and

WHEREAS, these conditions have resulted in great suffering among the Indian people, malnutrition among the children, disease, lack of decent housing or shelter, and all the ills to which abject poverty is heir; and

WHEREAS, the severity of the present winter has aggravated these conditions, making it difficult or impossible for the Indians to procure fuel, feed for their livestock, or supplies for their families; and

WHEREAS, the policy of the Indian bureau in consolidating agencies and operating some reservations by remote control has further involved the Indian agencies in additional red tape, inefficiency, and confusion; and

WHEREAS, these conditions are well known to every agent and employee of the several reservation agencies and knowledge of these conditions has been brought directly to the Indian bureau at Washington, D. C., by the welfare and other agencies of the state, but nevertheless the Indian bureau now professes a total lack of knowledge of the conditions prevailing on the Indian

reservations, and now propose to wait until the snow melts and the weather becomes mild so that their employees may visit about the reservations to observe conditions; and

WHEREAS, this attitude of indifference and procrastination is likely to result in a total failure of the federal government to meet its obligations to its Indian wards;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING, that the congress of the United States be memorialized to investigate the dilatory attitude of the Indian bureau and to take such further action as may be necessary to make such bureau an efficient agent of rehabilitation or to abolish the same entirely.

Filed February 9, 1949.

Senate Concurrent Resolution E
(Coghlan)

CHIPPEWA AND OTHER NORTH DAKOTA INDIAN CLAIMS

A concurrent resolution petitioning the secretary of the Interior and the acting commissioner of Indian Affairs to take action with reference to claims awaiting presentation to the Indian Claims Commission.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, by the McCumber Treaty entered into between the United States of America and the Chippewa Indians of the Turtle Mountains in North Dakota, the United States agreed to pay said Indians for lands ceded to the United States and further agreed to provide allotments for the individual Indians on the Indian reservation or upon the public domain adjacent thereto, and

WHEREAS, said treaty was negotiated in 1894 but was not ratified by the United States until 1904 and in the meantime all of the public domain adjacent to the Indian reservation was otherwise appropriated and it became necessary to make allotments for many of the Indians to distant parts of North Dakota and Montana, and

WHEREAS, the said Indians appear to have legitimate claims against the United States which ought to be presented to the Indian Claims Commission, and

WHEREAS, in order for the said Indians to present such claims it is necessary that they be represented by counsel and such coun-

sel cannot be employed except with the approval of the Department of the Interior, and

WHEREAS, for one year the said Indians have been endeavoring to obtain the necessary approval so that such claims may be presented and the Department of the Interior has wholly failed to take action in the matter, and has thus frustrated the efforts of the Indians to present their claim, and

WHEREAS, the time for presenting such claims is limited by law and continued delay may prevent such Indians from properly preparing and presenting their claims,

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring therein, that we request the Secretary of the Interior and the acting commissioner of Indian Affairs promptly to take such action as may be necessary or expedient to enable the Indians of the Turtle Mountains to present their claims against the United States,

BE IT FURTHER RESOLVED, that we likewise request said officers to take like action with reference to the claims of any other tribes of North Dakota Indians who may have claims awaiting presentation to the Indian Claims Commission.

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the Secretary of the Interior, acting commissioner of Indian Affairs, and to North Dakota's delegation in congress.

Filed March 3, 1949.

House Concurrent Resolution W
(Solberg and Stormon of Rolette)

COMPLETION OF INTERNATIONAL PEACE GARDEN

A concurrent resolution memorializing the Congress of the United States to enact H. R. 2369 authorizing an appropriation for the completion of the International Peace Garden.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, there has been established and is being maintained on the international boundary line between the United States of America and the Dominion of Canada, a park situated partly in North Dakota and partly in the province of Manitoba and known as the International Peace Garden, which park has been established and is being maintained as a constant memorial to the peaceful

relations between the United States of America and the Dominion of Canada and for the purpose of furthering international peace among the nations of the world; and

WHEREAS, H. R. 2369 introduced in the 81st congress of the United States and referred to the committee on public lands would authorize an appropriation for the purpose of completing the International Peace Garden in accordance with plans previously approved,

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 memorialized to give immediate and favorable consideration to H. R. 2369, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the secretary of state to the chairman of the committee on public lands, and to the North Dakota delegation in congress.

Filed March 5, 1949.

House Concurrent Resolution No. U
(Bubel and Johnson)

AUTHORIZATION OF CHAPLAIN SERVICE

A concurrent resolution relating to chaplain service.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

The schedule for chaplain service proposed by the Bismarek-Mandan Ministerial Association is agreed to and the employment of chaplains in accordance with such schedule at five dollars per diem, is hereby authorized.

Filed February 12, 1949.

Senate Resolution No. 1
(Morgan)

COMMITTEE ROOM RENTAL

Be It Resolved by the Senate of the State of North Dakota:

That there is hereby authorized the expenditure of four hundred dollars for rental of a committee room downtown in the city of Bismarek in which the appropriation committee of the senate of the 1949 legislative assembly may meet, the same to be charged to legislative expense.

Filed January 18, 1949.

House Resolution No. F
(Haugland and Hofstrand)

INVESTIGATION OF CONDITIONS SURROUNDING OLD PEOPLE
NOT INSANE AT STATE HOSPITAL

WHEREAS, from time to time, in various counties of the state, the insanity boards are required to deal with cases of old people who, while not actually insane, have become feeble and unable to care for themselves; and

WHEREAS, such aged people require care, and the only state institution at which they can be given such care is the State Hospital for the Insane, at Jamestown; and

WHEREAS, approximately one hundred and fifty such old people have already been sent by county insanity boards to the State Hospital for the Insane; and

WHEREAS, it has been reported to numerous members of this legislative body that such old people are compelled to come into actual contact with insane persons in the state hospital, which condition is by this House deplored;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the House of Representatives now in session that the Honorable Speaker of the House do forthwith name and constitute a committee consisting of three members to investigate the conditions surrounding these people at the state hospital and report their findings to this House as soon as possible; and that the expenses of such committee be paid as legislative expenses are paid.

Filed February 22, 1949.

House Resolution No. B
(Bubel, Johnson of Cass)

SESSION LAWS FOR HOUSE COMMITTEES

A resolution providing Session Laws for the use of various committees of the House of Representatives.

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, the members of the various committees of the house of representatives constantly refer to the laws enacted in other sessions of the legislature,

THEREFORE, BE IT RESOLVED, that the secretary of state be authorized and directed to furnish to the house, five copies of the session laws of 1945, five copies of the session laws of 1947

and six copies of the 1947 Supplement to the North Dakota Revised Code of 1943, each volume to be plainly marked or labeled "property of the state of North Dakota," and under the custody of the chief clerk of the house, 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 the books described.

Filed February 18, 1949.

Senate Concurrent Resolution No. C
(Committee on Employment)

MEMORIAL HALL FOR LEGISLATIVE EMPLOYEES' DANCES ..

A Concurrent Resolution allowing use of the memorial hall for legislative employees' dances.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring therein:

WHEREAS, the employees of the senate and the house of representatives of the 31st legislative session wish to hold dances in the memorial hall located in the state capitol building, and

WHEREAS, under the ruling of the board of administration, a concurrent resolution must be passed in order to obtain the use of said memorial hall.

NOW, THEREFORE, BE IT RESOLVED, by the senate of North Dakota, the house of representatives concurring therein, that the board of administration be hereby requested to give permission to the employees of the senate and house of representatives for the use of said state owned property, furnishing proper police to maintain proper order and decorum; and

BE IT FURTHER RESOLVED, that the secretary of the senate be requested to send one copy of this resolution to the secretary of the board of administration of the state of North Dakota.

Filed January 14, 1949.

House Concurrent Resolution No. G
(Introduced by Employment Committee)
(Moerke)

APPOINTMENT AND SALARIES HOUSE AND SENATE
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-First Legislative Assembly of the State of North Dakota, the Senate Concurring Therein:

That for and during this thirty-first 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 day set opposite their respective names:

HOUSE

George Olson, Chief Clerk	\$ 12.00
Arthur G. Moerke, Ass't Chief Clerk	10.00
Ruth Smith, Desk Reporter	15.00
Anton J. Schmidt, Sergeant-at-Arms	8.00
Oswald Kruisk, Ass't Sergeant-at-Arms	7.00
Paul E. Halldorson, Proofreader	8.00
Gerald Saxerud, Proofreader	8.00
Albert Haugerud, Calendar Clerk	10.00
Miles Nelson, Mailing Clerk	9.00
J. F. Fitzgerald, Mailing Clerk	7.00
Fred Krueger, Mailing Clerk	7.00
John H. Miller, Mailing Clerk	7.00
Fritz Mitskog, Mailing Clerk	7.00
Rochus Streifel, Mailing Clerk	7.00
John Mork, Mailing Clerk	7.00
Arend Hoffman, Main Doorkeeper	7.00
John Omland, Doorkeeper	7.00
George Sinclair, Doorkeeper	7.00
Simon Werlinger, Doorkeeper	7.00
Rita Linnertz, Postmistress	8.00
Tollef A. Moe, Bill Clerk	10.00
James A. Maher, Messenger to Senate	7.00
James Klesalek, Page	8.00
Robert Madland, Page	8.00
Kitty Page, Page	8.00
Ellen Schulte, Page	8.00
Ruth Staley, Engrossing Clerk	9.00
Florence Graham, Engrossing Clerk	9.00
Leonard A. Schneider, Messenger to Governor	7.00
Gilbert Berg, Bill Room Clerk	7.00

E. O. Hougen, Bill Room Clerk	7.00
Jeanette Johnson, Committee Clerk	8.00
Alda Moe, Committee Clerk	8.00
Arlyne Ruder, Committee Clerk	8.00
Geraldine Applequist, Committee Clerk	8.00
Ann Hepper, Committee Clerk	8.00
Marie Tunell, Stenographer	10.00
Ann T. Allen, Stenographer	10.00
Helen Gallagher, Stenographer	10.00
Eva Heath, Stenographer	10.00
Evelyn Olson, Stenographer	10.00
Eleanor E. Vendt, Stenographer	10.00
Edna Walsh, Stenographer	10.00
Nellie Olson, Telephone Clerk	7.00
Philip Himmerich, Coat Room Attendant	7.00
Steve Morris, Night Watchman	7.00

SENATE

Walter J. Trout, Secretary of the Senate	\$ 12.00
Kenneth L. Morgan, Ass't Sec'y of Senate	10.00
Dagny Olson, Desk Reporter	15.00
Arthur A. Herk, Bill Clerk	10.00
J. C. Goll, Sergeant-at-Arms	8.00
C. E. Thomas, Ass't Sergeant-at-Arms	7.00
Catherine Green, Stenographer	10.00
Mildred Lange, Stenographer	10.00
Ethel Taylor, Stenographer	10.00
Cora Mae Danielson, Stenographer	10.00
Myrtle Steen, Appr. Committee Clerk	10.00
Mrs. P. J. Curtis, Engrossing & Enr.	9.00
Lucile Moses, Engrossing & Enr.	9.00
Una M. Nierling, Telephone Messenger	7.00
John W. Benson, Proofreader	8.00
Oscar A. Olson, Proofreader	8.00
John S. Hove, Bill Room Clerk	7.00
H. H. Dahl, Bill Room Clerk	7.00
Christ E. Dyste, Bill Room Clerk	7.00
Joe Marion, Bill Room Clerk	7.00
Nels Johnson, Postmaster	8.00
Jacob Hegland, Mail Clerk	7.00
Mrs. Catherine Smith, Mail Clerk	7.00
G. T. Wolseth, Mail Clerk	7.00
John Sailer, Mail Clerk	7.00
Lynn Heaps, Mail Clerk	7.00
Geo. Hegland, Mail Clerk	7.00
John Koehn, Calendar Clerk	10.00
E. L. Christensen, Chart Room	8.00
Nels Noben, Chart Room	7.00
Esther Hangerud, Chart Room	7.00

Charlton Danielson, Chart Room	7.00
Mrs. Frank Barnes, Chart Room	7.00
Minnie J. Kurfirst, Chart Room	7.00
Roger J. Metz, Committee Clerk	8.00
Ingwal Lunde, Committee Clerk	8.00
Paul Lane, Committee Clerk	8.00
Mrs. Paul E. Halldorsen, Committee Clerk	8.00
Mrs. Selma H. Stenerson, Committee Clerk	8.00
Alice Manitowske, Committee Clerk	8.00
Stephen Terhorst, Committee Clerk	8.00
J. O. Bergheim, Committee Clerk	8.00
Della Erickson, Committee Clerk	8.00
L. L. Rudrud, Committee Clerk	8.00
Victor H. Grina, Messenger to Governor	7.00
F. J. McConville, Doorkeeper	7.00
W. F. King, Doorkeeper	7.00
O. W. Rudolph, Doorkeeper	7.00
Ray Unzelman, Doorkeeper	7.00
Martin Kilwein, Doorkeeper	7.00
Norin Korsmo, Doorkeeper	7.00
Jerry Stair, Page	7.00
Betty Pavlik, Page	7.00
Doris King, Page	7.00
M. C. Olson, Page	7.00
E. Wilson Willoughby, Coat Room Attendant	7.00
T. A. Crawford, Committee Room Attendant	7.00
Gust Wog, Committee Room Attendant	7.00
J. D. Gronna, Committee Room Attendant	7.00
Omar Rostad, Messenger to Stucke	7.00
Rev. N. E. Elsworth, Clergy-at-Large	7.00
Joe Eisele, Night Watchman	7.00

Filed January 29, 1949.

House Concurrent Resolution GG

(Johnson, Baker, Graham, Sticka, Arndt, Sellens, Bymers,
Kjelgaard, Esterby, Holand, Maher and Stair)

EXPENSES LEGISLATIVE EMPLOYEES

A concurrent resolution to pay the employees of the thirty-first legislative session one dollar per day to help defray expenses during the 60 days of the legislative session.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, living costs for the employees of the thirty-first legislative session are somewhat higher in the city of Bismarck than they have been in the past, and

WHEREAS, many of the employees have found it difficult to balance a reasonable budget on their salaries,

NOW THEREFORE BE IT RESOLVED By the House of Representatives of the State of North Dakota, the Senate Concurring therein, that the employees of the thirty-first legislative session be paid one dollar per day for the number of days served.

Filed March 7, 1949.

House Concurrent Resolution DD
(Joint Committee on Employment)

COMPLETION OF LEGISLATIVE JOURNALS

A concurrent resolution providing for the completion of the legislative journals of the Senate and the House.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, W. J. Trout, Secretary of the Senate, and George Olson, chief Clerk of the House, are hereby authorized, empowered and employed to compare and index the Journal of the Thirty-first Legislative Assembly, and the said W. J. Trout, Secretary of the Senate, and George Olson, Chief Clerk of the House, are hereby directed and required at their own cost and expense to arrange for and procure sufficient assistance to insure that the said work shall be completed within twenty days after the adjournment of the session.

BE IT FURTHER RESOLVED, that for the services of the said W. J. Trout, Secretary of the Senate, and George Olson, Chief Clerk of the House, as above set forth, that they be paid the sum of four hundred fifty dollars each, which shall include compensation for an assistant to be selected by each, all to be paid as other legislative expense, and paid when the respective claims are verified by the affidavits of the said W. J. Trout and George Olson showing completion of such work.

Filed March 7, 1949.

House Concurrent Resolution BB
(Joint Committee on Employment)

RETENTION EMPLOYEES TO COMPLETE LEGISLATIVE WORK

A concurrent resolution providing for the retaining of certain employees of the Senate and the 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, Thorwald Mostad, Kate Smith, and Gunder Wolseth, mailing clerks of the thirty-first 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 Gerald Saxerud, proof reader for the house, and Oscar A. Olson and John W. Benson, proof readers for the senate, be retained for two days after the close of the session to finish proofreading the Journals of the house and senate for the last day of this thirty-first legislative assembly; that Robert Madland and James Klesalek, pages of the house, and Betty Pavlik and Doris King, pages of the senate, be retained for two days after the close of the session for the purpose of wrapping and either mailing or expressing to the members of the senate and the house, bill books, journals, reports and files; and that Nellie Olson and Nels Johnson, postmistress and postmaster of the house and senate, respectively, be retained for one day after the close of this session for the purpose of disposing of any mail coming in after the close of the session.

BE IT FURTHER RESOLVED, that each of the above-named employees, to-wit: Miles Nelson, mail clerk, to be paid for said additional five days the sum of nine dollars per day and that Thorwald Mostad, Catherine Smith and Gunder Wolseth, mail clerks, be paid for said additional five days the sum of seven dollars per day; that Gerald Saxerud, Oscar A. Olson and John W. Benson, proofreaders, be paid the sum of eight dollars per day for two days; that Robert Madland and James Klesalek, pages of the house, be paid the sum of eight dollars per day for said additional two days, and Betty Pavlik and Doris King, pages of the senate, be paid the sum of seven dollars per day for said additional two days; and that Nellie Olson and Nels Johnson, postmistress and postmaster, respectively, be paid the sum of eight dollars per day for said additional one day; 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 7, 1949.

House Concurrent Resolution CC
(Joint Committee on Employment)

COMPILATION OF RECORD OF HOUSE AND SENATE BILLS

A concurrent resolution providing for the preparation of a compilation of a record of bills introduced in the House of Representatives and the Senate of the state of North Dakota.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, a complete record of action upon and disposal of all bills introduced in the House and Senate during this Session should be made available to House and Senate members as quickly as possible, such record to show what bills have been indefinitely postponed, withdrawn or passed with notation of Journal date and page of amendment thereto;

NOW, THEREFORE BE IT RESOLVED by the House of Representatives of the state of North Dakota, the Senate concurring therein, that such compilation be at once prepared in a pamphlet similar in size to the House and Senate Journals; that George Olson, Chief Clerk of the House, be employed for the House and W. J. Trout, Secretary of the Senate, be employed for the Senate, they working together to prepare such compilation immediately, a copy of the same to be mailed as speedily as possible to each member of the House and Senate, at the home address thereof. That the said George Olson and W. J. Trout be and the are hereby respectively retained on this work for the House and for the Senate for the period of six days after the adjournment of this legislative assembly, at their present pay, such compensation with the printing expense of such pamphlet and of mailing the same to be charged and paid as legislative expense.

Filed March 7, 1949.

House Resolution L
(Representative Murray)

COMMENDATION AND CONGRATULATIONS TO
MISS KITTY PAGE

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, Miss Kitty Page, of Bismarck, is an employee of the house of representatives, and

WHEREAS, the said Miss Kitty Page was a candidate of Lloyd Spetz Post Number One, of the American Legion, of Bismarck,

North Dakota, in the competition for the selection of Miss North Dakota, and

WHEREAS, the said Miss Kitty Page was duly elected to the office of Miss North Dakota, and

WHEREAS, the said Miss Kitty Page represented the state of North Dakota at the Saint Paul Winter Carnival, and elsewhere, thereby bringing recognition to the American Legion, the legislative assembly of the state of North Dakota, the University of North Dakota, the city of Bismarck, and the state of North Dakota;

NOW, THEREFORE, BE IT RESOLVED that the house of representatives goes on record as commending and congratulating Miss Kitty Page for the aforementioned achievements.

Filed March 7, 1949.

House Resolution J

(State and Federal Government and Representative Murray)

FELICITATIONS MISS ARLYNE RUDER AND
MR. SAUL LANSBURY

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, it has been brought to the attention of the members of the house of representatives that Miss Arlyne Ruder, a member of third house, is about to embark upon the seas of matrimony, and

WHEREAS, The members of the house of representaatives are aware of the importance of such event and desire to recognize commemorate and publicly acknowledge the same, and duly and properly congratulate the said member of the third house in having joined the ranks of the majority of the membership of the house;

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the state of North Dakota, that we do hereby extend our hearty best wishes to Miss Arlyne Ruder and Saul Lansburg, who will be united in the holy bonds of matrimony at Hibbing, Minnesota, on March 13th, 1949, and our sincere hope that their union may be a long and happy one, that good fortune will smile on them during all of their years, and that they will be blessed in the traditional manner of married people;

BE IT FURTHER RESOLVED that a properly executed copy of this resolution be transmitted by the clerk of the house to Mr. and Mrs. Saul Lansburg, at Sioux City, Iowa.

Filed March 7, 1949.

House Resolution K
(Johnson and Bubel)

RECOMMENDATION OF INTERNATIONAL ROLL CALL SYSTEM

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, the house of representatives of the state of North Dakota has been voting with the electrical roll call system of the International Roll Call Corporation, of Richmond, Virginia, since the regular session of 1947, and

WHEREAS, the unfailing accuracy and reliability of the International system have been proven by the test of time, and its time-saving features are now widely known throughout the state and taught to the children in our schools, and

WHEREAS, the International system has added much to the decorum of our house, and has eliminated forever the drudgery of the oral roll call,

NOW THEREFORE WE, the house of representatives of the state of North Dakota, do hereby recommend in the highest terms of approbation, the use of the International roll call system, to all other legislative bodies in America, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to International Roll Call Corporation, of Richmond, Virginia, as an official recommendation of their equipment by this body.

Filed March 7, 1949.

House Resolution I
(Maher, Thompson of Richland, Freadhoff, Wadson, Power)

PREPARATION OF LEGISLATION IN AID OF AGRICULTURAL
PURSUITS FOR 32nd LEGISLATIVE ASSEMBLY

A Resolution directing the Legislative Research Committee to prepare legislation in aid of agricultural pursuits for consideration by the 32nd Legislative Assembly.

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, the members of the farm bloc of the house of representatives deem it highly desirable that a thorough and complete study of all problems pertaining to agriculture should be made, and

WHEREAS, we of the farm bloc feel that the next legislative session should have a comprehensive plan laid before it, prepared by the legislative research committee, for bills to be presented

to the next legislative assembly, giving the agricultural extension service proper funds and facilities for the study of new varieties of disease resistant grains and potatoes, livestock breeding, and study of livestock diseases, and

WHEREAS, we believe that the Agricultural college of the state should offer a full course in veterinary training and should offer scholarships as an inducement to farm boys to take up the study of veterinary science, and

WHEREAS, the legislative research committee should work in direct cooperation with the soil conservation administration in preparing legislation on weed control, land classification and such other legislation as the aforesaid soil conservation administration may deem desirable, and

WHEREAS, we believe there could be some improvement in land tenure laws in the state of North Dakota, we direct the legislative research committee to make an investigation of tenure laws in other states and prepare bills for presentation to the next legislative assembly improving relations between owners and tenants.

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the thirty-first legislative assembly of the state of North Dakota, that the legislative research committee be directed to take such action as may be necessary and expedient to carry out the provisions of this resolution; and

BE IT FURTHER RESOLVED, that the secretary of state forward copies of this resolution to the national secretary of agriculture at Washington, D. C.; to the commissioner of agriculture and labor of the state of North Dakota; to the state land department; to the president of the North Dakota Agricultural college; to the director of extension service of the Agricultural college; to the state soil conservationist; to the state director of the farm and home administration, and to the executive secretary of the legislative research committee.

Filed March 5, 1949.

House Resolution No. D
(Committee on Appropriations)

STUDY OF IMPROVEMENTS IN GOVERNMENTAL STRUCTURE
OF STATE OF NORTH DAKOTA

A resolution providing for a study of possible improvements in the structural organization of the state of North Dakota and the elimination of duplication in fields of inspection, regulation and other governmental functions.

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, the expansion and extension of governmental activities into new fields in response to new demands has created

an increasingly complex and uncoordinated structure of government, and has brought such activities intimately into the lives of all citizens, and

WHEREAS, the need for economy and efficiency in government is of the utmost importance, and the overlapping and duplication or conflict in fields of inspection, regulation or other governmental functions must be minimized if a democratic government is to be effective, and

WHEREAS, there is available to the legislative assembly through the legislative research committee and the office of the state budget director facilities for the securing of information, and the study and consideration of such problems,

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the state of North Dakota that the legislative research committee and the budget director are hereby requested to cooperate in the study and consideration of possible improvements in the structural organization of the state of North Dakota, the elimination of duplication and conflict, and the assignment to the proper departments or agencies of appropriately related duties and functions,

BE IT FURTHER RESOLVED, that a report of such study and recommendation based thereon be submitted to the thirty-second legislative assembly for its consideration.

Filed February 22, 1949.

House Resolution No. E
(Bubel)

STUDY OF MOTOR VEHICLE LIABILITY AND FEASIBILITY OF
COMPULSORY LIABILITY INSURANCE SYSTEM, ETC.

A resolution providing for a complete study by the Legislative Research Committee of problems of motor vehicle liability.

Be It Resolved by the House of Representatives of the State of North Dakota:

The Legislative Research Committee is hereby directed to make a complete study of problems of motor vehicle liability, investigating the provisions and operation of the laws of other states and provinces on this subject, with particular reference to the laws of the provinces of Saskatchewan and Manitoba and the state of Massachusetts, and considering the feasibility of establishing a system of compulsory motor vehicle liability insurance or a state owned and operated motor vehicle insurance department in the state of North Dakota. A report covering the results of such study shall be submitted to the thirty-second legislative assembly.

Filed February 22, 1949.

House Resolution No. A
(Erickson, Stevens and Collette)

OFFICIAL PHOTOGRAPHER: HOUSE

Resolution to appoint an official photographer for the House of Representatives of the thirty-first legislative assembly of the state of North Dakota.

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, for historical purposes it has been the custom of all North Dakota legislative assemblies to have composite group pictures made of all members of such assemblies, and

WHEREAS, Campbell Studio of Bismarck, North Dakota offers to make a large composite group picture of the members of the house of representatives of the thirty-first legislative assembly, size four feet nine inches by three feet six inches, such picture to be framed and ready to hang, and one hundred seventeen eleven by fourteen copies of said picture for each member and desk force of the house but not to be framed, at a cost of five hundred and seventy-five dollars.

NOW THEREFORE, BE IT RESOLVED: That Campbell Studio, Bismarck, North Dakota, be, and is hereby appointed official photographer for the North Dakota house of representatives of the thirty-first legislative assembly.

BE IT FURTHER RESOLVED: That the Campbell Studio of Bismarck, North Dakota, be and is hereby awarded the sole privilege of photographing members of the house of the thirty-first legislative assembly, at a cost price of five hundred and seventy-five dollars, to be taken out of legislative expenses.

Filed February 11, 1949.

Senate Resolution No. 2
(Committee on Photographs)

OFFICIAL PHOTOGRAPHER: SENATE

Resolution to appoint an official photographer for the Senate of the Thirty-first 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, McFarland of Bismarck, North Dakota, offers to make a composite group picture of the thirty-first legislative assembly, size 30x40, such 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-eight dollars. A refund of \$2.50 per negative on file at the studio, said total sum to be deducted from the three hundred sixty-eight dollars.

NOW, THEREFORE, BE IT RESOLVED, that McFarland studios of Bismarck, North Dakota, be, and is hereby appointed official photographer for the North Dakota senate of the thirty-first legislative assembly.

BE IT FURTHER RESOLVED, that the McFarland studio of Bismarck, be and is hereby awarded the sole privilege of photographing members of the senate of the thirty-first legislative assembly, at a cost price of three hundred sixty-eight dollars.

Filed January 26, 1949.

Senate Concurrent Resolution N
(Morgan)

A concurrent resolution authorizing the state printing and publication commission to pay overtime for work done by printers working for the Bismarck Tribune Company, January 28, 29, 30 and 31, 1949, in and about preparations for the printing of house and senate journals.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

WHEREAS, the Western Printing Company held a contract with the state for the furnishing of the house and senate journals for the thirty-first session of the legislative assembly, and

WHEREAS, said contractor has defaulted and cannot perform its contract, and

WHEREAS, the Bismarck Tribune Company has agreed to complete the performance of said contract, commencing January 31, 1949, provided that the state pay for necessary work to be done in the printing plant of the Bismarck Tribune Company on January 28, 29, 30 and 31, 1949, in preparation for the performance of said contract, which work must be done after the end of the work day on Friday, January 28, Saturday, January 29, Sunday, January 30, and on Monday, January 31, 1949, and must be paid for by said Bismarck Tribune Company as overtime work at the rate agreed to by said company and its operatives, and

WHEREAS, it is necessary that arrangements with said Bismarck Tribune Company must be made immediately in order that the work of such legislative session be not impeded and inconvenienced by the noncompliance with its contract by said Western Printing Company.

NOW, THEREFORE, BE IT RESOLVED, by the senate of North Dakota, the house of representatives concurring, that the state

printing and publication commission be, and it hereby is, authorized to pay to said Bismarck Tribune Company at overtime rates for the overtime it pays its operatives for the overtime work recited hereinbefore out of the funds provided for the payment for the furnishing of said house and senate journals under the said contract with said Western Printing Company.

Filed March 3, 1949.

Senate Concurrent Resolution S
(Senate Printing Committe)

REIMBURSEMENT WESTERN PRINTING COMPANY

A concurrent resolution providing for reimbursement to the Western Printing Company for loss incurred because of cancellation of contract for legislative printing.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, The Western Printing Company, Bismarck, North Dakota, originally held the contract for legislative printing for the thirty-first Legislative Assembly, but had the contract cancelled by the Legislature because of inability to fulfill the terms of the contract.

AND WHEREAS, the Western Printing Company did earnestly endeavor to fulfill the contract and its failure to do so was caused by inability to secure printers and for other reasons beyond its control.

AND WHEREAS, cancellation of contract caused the Western Printing Company a loss conservatively estimated at Four Hundred Fifty Dollars and no/100 (\$450.00).

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring therein, that the aforesaid Western Printing Company of Bismarck, North Dakota, be paid the sum of Four Hundred Fifty Dollars and no/100 (\$450.00) and that this be charged and paid as legislative expense.

Filed March 7, 1949.

House Joint Memorial Resolution A
(Introduced by Select Committee on Memorials and Resolutions)

TRIBUTE TO ROBERT L. BENNETT, DECEASED MEMBER
OF TERRITORIAL ASSEMBLY OF DAKOTA

A memorial resolution for Robert L. Bennett, a member of the territorial assembly of Dakota.

WHEREAS, Robert L. Bennett, the last surviving member of the territorial assembly, was called by death at Phoenix, Arizona, on September 28, 1948, and

WHEREAS, the people of the state of North Dakota remember with gratitude his service and the service of all those pioneers who gave unselfishly of their time and effort to the development and building of our state, and

WHEREAS, the late Robert L. Bennett served as a member of the house of representatives of the eighteenth session of the territorial assembly and as a representative of the fifth district during the seventh session of the legislative assembly of the state of North Dakota, and

WHEREAS, as a pioneer of North Dakota he contributed greatly to the welfare and growth of this state,

Now, Therefore, Be It Resolved, by the House of Representatives of the State of North Dakota, the Senate concurring therein:

That we deeply regret his passing from our midst, and that we express our appreciation for his loyal work as one of the pioneers of our state,

BE IT FURTHER RESOLVED, that we offer the family and friends of Robert L. Bennett our most profound and heartfelt sympathy, and that as a permanent record this resolution be printed in the Journal of the house in which he so ably and faithfully served and that the secretary of state transmit duly enrolled copies of this resolution to the surviving family of Robert L. Bennett.

Filed March 5, 1949.

House Memorial Resolution A
(Introduced by Select Committee on Memorials and Resolutions)

**TRIBUTE TO DECEASED MEMBERS OF HOUSE OF
REPRESENTATIVES**

A memorial resolution for deceased members of the House of Representatives of the state of North Dakota.

WHEREAS, we as members of the house of representatives of the thirty-first legislative assembly of the state of North Dakota today mourn the passing to their eternal rest of former members of the house of representatives, and

WHEREAS, since the thirtieth legislative assembly, the following former members have been summoned by God in His infinite wisdom:

Thomas David Acheson, who served in the twenty-second legislative assembly, from the 28th district, died May 25, 1948,

Edwin L. Bagge, who served in the twenty-eighth to the thirtieth legislative assemblies inclusive, from the 8th district, died January 11, 1948,

Robert L. Bennett, who served in the eighteenth territorial assembly and also in the seventh legislative assembly, from the 5th district, died September 28, 1948,

Walter R. Bond, who served in the twelfth legislative assembly, from the twenty-ninth district, and subsequently in the senate of the state of North Dakota, died July 16, 1947,

Frederick W. Borusky, who served in the thirteenth legislative assembly, from the 18th district, died January 10, 1949,

H. J. Botz, who served in the seventeenth legislative assembly, from the 22nd district, died April 25, 1948,

Herman Boyce, who served in the fourteenth legislative assembly, from the 11th district, died February 23, 1948,

M. D. Butler, who served in the thirteenth legislative assembly from the 21st district, died June 13, 1948,

Nels P. Jensen, who served in the twenty-third to the twenty-sixth legislative assemblies, inclusive, from the 48th district, died April 21, 1948,

Clarence Ernest Davidson, who served in the eleventh and twelfth legislative assemblies, from the 43rd district, and subsequently in the senate of the state of North Dakota, died March 22, 1947,

Romanus J. Downey, who served in the twenty-fourth legislative assembly, from the 21st district, died April 23, 1947,

Guy L. Elken, who served in the nineteenth and twentieth legislative assemblies, from the 8th district, died December 31, 1948,

W. B. DeNault, who served in the twelfth legislative assembly, from the 23rd district, died April 3, 1947,

Alfred Nels Flom, who served in the seventeenth to the twenty-first legislative assemblies, inclusive, from the 18th district, died December 7, 1947,

Roy R. Hall, who served in the twenty-fourth legislative assembly, from the 9th district, died March 17, 1948,

L. B. Hanna, who served in the fourth legislative assembly and subsequently in the senate of the state of North Dakota, in the congress of the United States, and as governor of North Dakota, died April 23, 1948,

R. A. Johnson, who served in the twentieth and twenty-first legislative assemblies, from the 29th district, died December 28, 1947,

William R. Jones, who served in the eighteenth and nineteenth legislative assemblies, from the 38th district, died February 11th, 1948,

Nichol McKellar, who served in the twenty-third legislative assembly, from the 9th district, died September 30, 1947,

E. J. Moen, who served in the eleventh and twelfth legislative assemblies, from the 18th district,

Charles H. Noltimier, who served in the eighth and fifteenth legislative assemblies, from the 38th district, and subsequently in the senate of the state of North Dakota, died December 25, 1948,

W. L. Noyes, who served in the fourteenth legislative assembly, from the 22nd district, died April 6, 1948,

Martin C. Olson, who served in the eighteenth legislative assembly, from the 22nd district, died May 2, 1947,

Raymond Edelbert Olson, who served in the twenty-fifth legislative assembly, from the 13th district, died November 3, 1948,

Gerdell Patterson, who served in the fifteenth to the eighteenth legislative assemblies, inclusive, from the 43rd district, and sub-

sequently in the senate of the state of North Dakota, died June 3, 1948,

Frank E. Ployhar, who served in the eleventh to the fourteenth legislative assemblies, inclusive, from the 15th district, and subsequently in the senate of the state of North Dakota, died April 20, 1948,

Frank Garfield Prater, who served in the fifteenth and seventeenth legislative assemblies, from the 27th district, died January 17, 1949,

Gunder A. Reishus, who served in the fifteenth and sixteenth legislative assemblies, from the 29th district, died August 6, 1947,

Gilbert Sundby, who served in the twenty-second and twenty-third legislative assemblies, from the 43rd district,

Frank J. Thompson, who served in the eleventh legislative assembly, from the 35th district, died 1947,

Harry L. Thompson, who served in the twenty-ninth legislative assembly, from the 16th district, died July 6, 1948,

James Walsh, who served in the thirteenth legislative assembly, from the 14th district, died October 6, 1948,

S. Theodore Westdal, who served in the fourteenth legislative assembly, from the 41st district, died March 15, 1947, and

WHEREAS, the contribution of these public spirited citizens to their respective communities and to the state has served to foster and preserve our representative democracy and American way of life,

Now, Therefore, Be It Resolved, by the House of Representatives of the Thirty-First Legislative Assembly of the State of North Dakota:

That we pause today in our deliberations to pay tribute to their revered memory, and in behalf of the people of the state of North Dakota show our deep gratitude for their devoted service in this state; as they consecrated themselves to a great service, let us carry on the task which they have begun,

BE IT FURTHER RESOLVED, that for the perpetuation of their memory, this token of respect and sympathy by their successors in trust be printed in the Journal of the house and that duly enrolled copies of this resolution be presented by the clerk of the house to the surviving families of those deceased representatives.

Filed March 2, 1949.

Senate Memorial Resolution B
(Senate Memorial Resolutions Committee)

TRIBUTE TO FORMER GOVERNORS

L. B. HANNA, THOMAS H. MOODIE AND GEORGE SHAFER

A concurrent memorial resolution in honor of former Governors L. B. Hanna, George Shafer and Thomas H. Moodie.

Since the adjournment of the thirtieth legislative assembly, three of North Dakota's most honored citizens, former Governors L. B. Hanna, George Shafer and Thomas H. Moodie, have laid down their labors on this earth and passed to eternal rest.

L. B. Hanna was born at New Brighton, Pennsylvania in 1861, was educated in the states of Ohio, Massachusetts and New York, and came to North Dakota in 1881. He was a member of the House of Representatives of the North Dakota legislative assembly in 1895 to 1897 and 1899 to 1901, and from 1905 to 1907 he was a member of the North Dakota Senate. In 1908 he was elected to the United States Congress and was reelected in 1910. Mr. Hanna was elected governor of North Dakota in 1912 and 1914. He died April 23, 1948.

George Shafer was born at Mandan, North Dakota, in 1888. He was educated in the public schools of North Dakota and graduated from the law school of the University of North Dakota. He served as states attorney of McKenzie county and in 1922 was elected attorney general and reelected in 1924 and 1926. In 1928 he was elected governor and in 1930 he was reelected. He died August 13, 1948.

Thomas H. Moodie was born in 1878 at Winona, Minnesota. He had a long career as a newspaper man. In 1934 he was elected governor of North Dakota. He was W.P.A. administrator in North Dakota during the entire period of such agency. He died March 4, 1948.

The passing of these honored men is a loss to the state and a cause for personal grief to all citizens.

Now, Therefore, Be It Resolved, by the Senate of the State of North Dakota, the House of Representatives concurring therein:

That we express our heartfelt appreciation of the years of public service to the state of North Dakota by these distinguished citizens and that at this time we pause in our deliberations to pay tribute to their honored memory.

BE IT FURTHER RESOLVED, that this resolution be entered in the Journal of the House and of the Senate of this legislative assembly as a memorial and that properly executed copies be transmitted by the Secretary of State to the surviving families.

Filed March 3, 1949.

Senate Memorial Resolution A
(Introduced by Senate Memorial Resolutions Committee)

TRIBUTE TO DECEASED MEMBERS OF THE SENATE

A memorial resolution for deceased members of the Senate of the state of North Dakota.

Be It Resolved by the Senate of the State of North Dakota:

WHEREAS, since the adjournment of the thirtieth legislative assembly, God in His wisdom has seen fit to summon to eternal rest his servants and our former colleagues:

Walter R. Bond, who served in the thirteenth and fourteenth legislative assemblies, the seventeenth to the twenty-second legislative assemblies, inclusive, and the twenty-seventh to the thirtieth legislative assemblies, inclusive, from the 29th district, died July 16, 1947,

H. A. Bronson, who served in the thirteenth and fourteenth legislative assemblies, from the 7th district, and subsequently on the Supreme Court of the state of North Dakota, died April 22, 1947,

Maynard Crane, who served in the eighth to the eleventh legislative assemblies, inclusive, died April 2, 1947,

Clarence Ernest Davidson, who served in the thirteenth legislative assembly, from the 40th district, died March 22, 1947,

Herman Charles Guenther, who served in the twenty-fifth to the twenty-eighth legislative assemblies, inclusive, from the 19th district, died January 17, 1948,

L. B. Hanna, who served in the fifth and sixth legislative assemblies, from the 11th district, in the ninth and tenth legislative assemblies, from the 9th district, and subsequently in the Congress of the United States and as Governor of North Dakota, died April 23, 1948,

Russell G. McCrory, who served in the nineteenth to the twenty-second legislative assemblies, inclusive, from the 13th district, died December 23, 1948,

Charles H. Noltimier, who served in the sixteenth and seventeenth legislative assemblies, from the 38th district, died December 25, 1948,

Girdell Patterson, who served in the nineteenth to the twenty-second legislative assemblies, inclusive, from the 43rd district, died June 3, 1948,

Frank E. Ployhar, who served in the fifteenth to the twenty-second legislative assemblies, inclusive, from the 15th district, died April 20, 1948, and

WHEREAS, today, we as members of the senate of the thirty-first 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-first 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 March 1, 1949.

House Concurrent Resolution No. D

CONGRATULATIONS TO PRESIDENT HARRY S. TRUMAN

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring therein:

That the president of the senate and speaker of the house of representatives be directed to sign and send to President Harry S. Truman, Washington, D. C., the following message:

The Legislative Assembly of the State of North Dakota now in session has by resolution requested us to convey to you as Chief Executive of this Nation, its congratulations and best wishes.

Filed February 24, 1949.

House Concurrent Resolution No. R

(Bubel, Graham, Braun, Sticka, Saumur, Johnson, Culver, Link and Rolfsrud)

INVITATION TO PRESIDENT OF UNITED STATES TO
THEODORE ROOSEVELT NATIONAL PARK DEDICATION

A concurrent resolution extending an invitation to the President of the United States.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therewith

WHEREAS, the dedication of the Theodore Roosevelt national Memorial park, to take place near Medora, North Dakota, on or about the fourth day of June, A. D. 1949, will be an event of national import, honoring the memory of a great American, the twenty-first president of the United States, who during some three years of residence in North Dakota, ranched, rode, hunted and wrote among the scenic Badlands of western North Dakota, and

WHEREAS, some fifty thousand acres of this scenic Badlands area, is to be dedicated as a playground for the people of the prairie states, as the only memorial national park in the nation, located approximately half way between the populous industrial east and west coasts, and a place of romantic historic importance, of unique natural beauty to be preserved in the pristine beauty of the old west, and a convenient stopping place between the large eastern cities and the other great national parks of the Pacific northwest, and

WHEREAS, the Theodore Roosevelt national memorial park is to become a mecca not only for the people of the agricultural states which compose the pulsing, producing heart of America, but for all citizens of the United States, and of the world, who admire the man and revere the memory of that great American, who organized the Rough Riders, who was one of the founders of conservation of soil and natural resources, and who with members of his family carried on the finest traditions of citizenship and public service,

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives of the state of North Dakota, the senate concurring therein, that we respectfully extend to his Excellency, the President of the United States of America, a hearty invitation to visit the Badlands of North Dakota, and, if possible, to be the guest of honor and to address citizens of a great country at the dedication ceremonies, to be held, if it should meet with the schedule of the President of the United States of America, on or about the fourth day of June, 1949, in order that citizens of the world

may once more recall one whose life exemplified the best traditions of democracy and American citizenship, the immutable principles of freedom and justice, the inalienable right of each individual to life, liberty and the pursuit of happiness, and free government of, by, and for free men.

BE IT FURTHER RESOLVED, that a copy of this resolution, duly authenticated by the signatures of the governor of the state of North Dakota, and the presiding officers of the senate and the house of representatives, and with the great seal of the state of North Dakota, be transmitted by the secretary of state of the state of North Dakota to his Excellency, the President of the United States of America.

Filed February 12, 1949.

House Concurrent Resolution Y
(Hofstrand, Langseth and Severson)

RURAL ELECTRIFICATION ADMINISTRATION

A House concurrent resolution memorializing Congress and the President of the United States not to support any proposition disturbing the rural electrification administration as it is presently set up and not to disturb the existing power agencies or the government's power policy to the detriment of the people.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

WHEREAS, the press is still carrying news releases and other information to the effect that task forces of the commission on organization of the executive branch of government are recommending that the Rural Electrification Administration be dispensed with, and

WHEREAS, we have other information that other task forces will or may recommend changes in legislation affecting our government's power program,

NOW THEREFORE, BE IT RESOLVED, that we appeal to our senators and congressmen as a group and individually, and that we appeal to the president of the United States to not support any proposition that will disturb the Rural Electrification Administration as it is presently set up and to not disturb the existing power agencies or the government's power policy to the detriment of the people.

BE IT FURTHER RESOLVED, that the North Dakota secretary of state be requested to send a copy of this resolution to the president of the United States, to the United States secretary of state, to the president of the United States senate, and to the

speaker of the United States house of representatives, and to each of the senators and representatives of the state of North Dakota.

Filed March 5, 1949.

House Resolution C
(Thompson of Richland)

STATE HIGHWAY CONSTRUCTION POLICY

A resolution establishing the policy of the state of North Dakota in respect to the construction of state highways.

Be It Resolved by the House of Representatives of the State of North Dakota:

WHEREAS, the prosperity and well-being of the state of North Dakota is in a large measure dependent upon its roads and highways, and

WHEREAS, the theory of competitive bidding by private contractors, in the matter of highway construction, envisioned earlier by the legislators of this state, has failed to produce highway construction at a reasonable cost, and

WHEREAS, great public sentiment now prevails for the institution of a state owned cement plant, and

WHEREAS, the gravel deposits of the state are unlimited and are well suited to the construction of concrete highways, and

WHEREAS, federal legislation is expected which will permit participation in the federal road program by states which engage in highway construction, and

WHEREAS, we believe that the state itself, utilizing its deposits of gravel, the output from a state owned cement plant, and its own resources, property and personnel, could construct more and better highways, at a great tax saving to the state,

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the state of North Dakota that state construction of highways be the policy of this state, and that the highway department of the state of North Dakota be advised of this established policy, and be instructed to institute such program during the next two years, as may be necessary, at the end of that period, to effect a transition from private to state construction of all state highways.

Filed February 24, 1949.

Senate Resolution 4
(Committee on Judiciary)

PUBLIC SERVICE COMMISSION RECONSIDERATION OF
NORTHWESTERN BELL TELEPHONE COMPANY RATE CASE

A resolution relating to the public service commission's order in approving telephone rate increases.

Be It Resolved by the Senate of the State of North Dakota:

WHEREAS, The Northwestern Bell Telephone Company on the 16th day of October, 1948, filed an application with the public service commission, requesting authority to increase rates for local exchange telephone service in all communities served by the company in the state of North Dakota;

WHEREAS, The application was set for public hearings, at Fargo on November 8, 1948, at Jamestown on November 9, 1948, at Bismarck on November 10, 1948, at Grand Forks on November 16, 1948, at Rugby on November 17, 1948, at Williston on November 18, 1948, and at Dickinson on November 19, 1948, and notices of said hearings were given that may have been sufficient to comply with the statute but were not sufficient to adequately advise the public and interested persons of the nature and extent of the proposed rate increase, with the result that the public was not fully aware of what was contemplated until after the order approving the rate increase had been entered;

WHEREAS, The evidence given at the hearings by the Northwestern Bell Telephone Company was long, technical and involved, to the extent that the ordinary practitioner or layman could not intelligently interpret the same without the assistance of specialists, counsel and accountants, who themselves could not intelligently answer the same without several weeks of preparation, investigation and study, and sufficient time was not afforded to the interested parties to prepare for an adequate hearing and the public service commission itself was without adequate personnel to thoroughly investigate the proposed rates;

WHEREAS, In said hearing and incorporated in the record thereof, the commission was formally advised by one of the city attorneys that a proposal would be made on behalf of a number of cities to request a later hearing at Bismarck on behalf of the cities generally, after an opportunity had been afforded for the cities and their counsel to examine in some detail the presentation that had been made at the hearing by the Northwestern Bell Telephone Company;

WHEREAS, This legislative assembly has made available to the public service commission funds sufficient to obtain sufficient and suitable personnel;

WHEREAS, The commission summarily disregarded such application and entered its order approving the application of the Northwestern Bell Telephone Company on the 20th day of December, 1948, in which order the public service commission found all of the statements and claims of the Northwestern Bell Telephone Company to be true and in every particular granted exactly what the Northwestern Bell Telephone Company had asked in the way of rate increases;

WHEREAS, The granting of said order and the approval of said increases will cost the people of the state of North Dakota approximately one million dollars more each year than was previously paid for telephone service; and

WHEREAS, The public service commission acted hastily and without a full study of the questions involved in approving said order and the interested cities and individuals did not have an opportunity to examine the facts in order to determine what increase, if any, was justified and were not given sufficient opportunity to prepare and present any defense;

NOW, THEREFORE, BE IT RESOLVED:

1. We urge the public service commission to take immediate steps to reconsider said case and to impound the increased charges being collected until a final determination can be had on the merits pertaining to any proposed rate increase;

2. That competent personnel and expert counsel be engaged and instructed to energetically prosecute the case in the interests of the telephone users of the state of North Dakota; and

3. That the legislative research committee give consideration to additional legislation that may be proposed to further protect the interests of the public and facilitate the administration and handling of rate cases.

Filed March 7, 1949.

Senate Concurrent Resolution M
(Fraser, Sandness, Reinke and Bjorlie)

WEED CONTROL BY U. S. BIOLOGICAL SURVEY ON
FEDERAL GAME RESERVES

A concurrent resolution requesting the United States Biological Survey to control weeds on government game reserves.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

WHEREAS, Many noxious weeds are growing upon lands occupied by the federal game reserves in the State of North Dakota and such weeds, through lack of control, are rapidly spreading to adjoining farm lands, to the great detriment of agriculture;

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring, that the United States Biological Survey be requested to take adequate steps, by spraying, or by the use of other methods to control the growth of such weeds;

BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded to the United States Biological Survey, to the United States Department of Agriculture, Fish and Wildlife Service in the Department of the Interior, and to the North Dakota delegation in Congress.

Filed March 3, 1949.

House Concurrent Resolution T
(Starck)

PREVENTION OF WILD LIFE DESTRUCTION

WHEREAS, the department of interior of the United States through its bureau of reclamation, and the United States Army Engineers, sixth district, is now engaged in the construction of projects to impound, divert, and otherwise control waters in the state of North Dakota; and

WHEREAS, the construction of such projects will result in the inundation of extensive tracts of land which are a natural habitat of wildlife in the state of North Dakota, including upland game birds and deer; and

WHEREAS, the destruction of such natural habitat of wildlife will seriously curtail, if not completely eliminate, the production of wild game within such areas unless adequate provision is made to provide a new and suitable wildlife habitat adjacent thereto; and

WHEREAS, the conservation of game to provide healthful recreation for the seventy thousand hunters who each year take out hunting licenses in the state has become a serious problem in North Dakota; and

WHEREAS, such threatened extensive curtailment of the production of wildlife will endanger the entire game production and conservation program of the state; and

WHEREAS, the laws of the United States (60 Stat. 965) provide: "Whenever the waters of any stream or other body of water are authorized to be impounded, diverted, or otherwise controlled for any purpose whatever by any department or agency of the

United States, * * * such department or agency shall first consult with the Fish and Wildlife Service and the head of the agency exercising administration over the wildlife resources of the state wherein the impoundment, diversion, or other control facility is to be constructed with a view to preventing loss of and damage to wildlife resources. * * * The cost of planning for and the construction or installation and maintenance of any such means and measures (to prevent destruction of wildlife) shall be included in and shall constitute an integral part of costs of such projects", and

WHEREAS, the department of interior, through its bureau of reclamation and the United States Army Engineers, Sixth districts are constructing or are about to construct such projects in the state of North Dakota without having complied with the provisions of said law for the reasons that the congress of the United States has made no specific appropriation for the planning and construction of means to prevent the destruction of wildlife in connection with its appropriations for the construction of such projects:

Be It Therefore Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:

1. That we earnestly petition and urge the congress of the United States to make specific and adequate appropriations for the planning and construction of means to prevent the destruction of wildlife, as an integral part of all legislation authorizing the construction of projects to impound, divert, or otherwise control waters in the state of North Dakota;

2. That we earnestly recommend to the secretary of interior, to the chief of the bureau of reclamation, and to the commanding officer of the United States army engineers, Sixth district, that they, through their authorized deputies or agents, consult with the game and fish commissioner of the state of North Dakota and with him formulate a comprehensive wildlife preservation program and that they construct means and measures to prevent the destruction of, and to promote the growth of, wildlife in the areas adjacent to all projects authorized by congress for the impounding, diversion or control of waters in the state; that such plans include the acquisition and development of lands adjacent to inundated areas as a new habitat for wildlife; and that a portion of said areas be set aside as game refuges but that seventy-five to eighty percent of such areas be reserved as and designated as public shooting areas to the end that game conservation, and public recreation may be adequately and proportionately maintained.

BE IT FURTHER RESOLVED, that the secretary of the state of North Dakota shall cause copies of this resolution to be sent to the president of the United States senate; to the speaker of the house of representatives of the United States; to each member of congress from the state of North Dakota; to the secretary of the interior of the United States; to the chief of the reclamation bureau, and to the commanding officer of the United States army engineers, Sixth district.

Filed March 5, 1949.

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